

**FOURTH FIVE-YEAR REVIEW REPORT FOR  
ESCAMBIA WOOD - PENSACOLA SUPERFUND SITE  
ESCAMBIA COUNTY, FLORIDA**



**September 2017**

**Prepared by**

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## LIST OF ABBREVIATIONS & ACRONYMS

ARAR	Applicable or Relevant and Appropriate Requirement
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
COC	Contaminant of Concern
EPA	United States Environmental Protection Agency
ESD	Explanation of Significant Differences
ETC	Escambia Treating Company
FDEP	Florida Department of Environmental Protection
FYR	Five-Year Review
GCTL	Groundwater Cleanup Target Level
IC	Institutional Control
µg kg	Micrograms per Kilogram
µg L	Micrograms per Liter
NCP	National Contingency Plan
NPL	National Priorities List
O&M	Operation and Maintenance
OU	Operable Unit
PAH	Polycyclic Aromatic Hydrocarbon
PCP	Pentachlorophenol
PRP	Potentially Responsible Party
RAO	Remedial Action Objective
RCRA	Resource Conservation and Recovery Act
ROD	Record of Decision
SCTL	Soil Cleanup Target Level
SVOC	Semi-volatile Organic Compound
TCDD	Tetrachlorodibenzo-p-Dioxin
TEQ	Toxicity Equivalents
USACE	United States Army Corps of Engineers
UU UE	Unlimited Use and Unrestricted Exposure



## I. INTRODUCTION

The purpose of a five-year review (FYR) is to evaluate the implementation and performance of a remedy to determine if the remedy is and will continue to be protective of human health and the environment. The methods, findings and conclusions of reviews are documented in FYR reports such as this one. In addition, FYR reports identify issues found during the review, if any, and document recommendations to address them.

The U.S. Environmental Protection Agency is preparing this FYR pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121, consistent with the National Contingency Plan (NCP)(40) Code of Federal Regulations (CFR) Section 300.430(f)(4)(ii), and considering EPA policy.

This is the fourth FYR for the Escambia Wood - Pensacola Superfund site (the Site). The triggering action for this statutory review is the signature date of the previous FYR. The FYR has been prepared due to the fact that hazardous substances, pollutants or contaminants remain at the Site above levels that allow for unlimited use and unrestricted exposure (UU/UE).

The Site consists of two operable units (OUs). Under OU1, EPA conducted an Interim Remedy consisting of a residential relocation, followed by the Final Remedy that expanded the residential relocation and addressed contaminated soil. OU2 addresses contaminated groundwater beneath and downgradient of the Site. This FYR addresses the completed cleanup of OU1. The cleanup for OU2 has not started, so OU2 is not included in this FYR.

The FYR was led by EPA remedial project manager Erik Spalvins. Participants included EPA community involvement coordinator L'Tonya Spencer, Aaron Cohen from the Florida Department of Environmental Protection (FDEP), Shannon Jeffries from FDEP contractor Arcadis, Jeff Day from operations and maintenance (O&M) contractor SCMC LLC, Glenn Griffith from Escambia County, and Johnny Zimmerman-Ward and Kelly MacDonald, from EPA contractor Skeo. The review began on October 18, 2016.

### **Site Background**

The former Escambia Wood Treating Company (ETC) facility is located at 3910 North Palafox Street in the City of Pensacola in Escambia County, Florida (Figure E-1). About 5,400 people lived within a mile of the Site as of 2014.<sup>1</sup> Former residential neighborhoods are located north of the former facility. A CSX railroad switchyard is located to the east of the Site. A small industrial park is located to the south. Land uses surrounding the Site are primarily commercial and light industrial uses. The 100+ acre OU1 area includes the vacant 31.8-acre former ETC facility, portions of other properties where soil contamination was found and about 70 acres of former residential areas that are now vacant, federally-owned property.<sup>2</sup> The former residential areas include the Rosewood Terrace, Oak Park, Escambia Arms, Herman & Pearl and Clarinda Triangle neighborhoods (Figures 1 and 2).

From 1942 to 1982, Escambia Wood Treating Company operated a wood-treating facility on the Site and manufactured pressure-treated wood products, primarily utility poles and foundation pilings. The

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<sup>1</sup> <https://www.epa.gov/emefdata/em4ef.home>

<sup>2</sup> The former ETC facility was previously reported to occupy 26 acres; however, a recent survey determined the size is 31.8 acres.

treatment process used creosote and pentachlorophenol (PCP), which resulted in extensive contamination of soil with creosote, polycyclic aromatic hydrocarbons (PAHs), PCP and dioxin. The primary wastes managed at the facility were contaminated wastewater and runoff from the former treatment area, which contaminated soil and groundwater. The former ETC property is no longer in use. All structures associated with past operations have been demolished. Fencing, signage and road barricades restrict access to the former facility area. The soil cleanup is complete and the cleanup levels are protective for commercial and industrial uses. The former residential areas are grassy or wooded and are currently vacant except that there are homeless encampments in some of these areas. This kind of residential use is incompatible with the remedy. Fencing in place along some roads in the Clarinda Triangle neighborhood has not eliminated trespassing; Herman Avenue is currently barricaded.

Escambia County has developed plans to reuse the Site as a commercial industrial park. The EPA is working with the State to designate the county government to accept the EPA-owned property. The FDEP and Escambia County have signed a Memorandum of Agreement for the county to accept the EPA-acquired property. Under this arrangement, the County will own and develop the "Midtown Commerce Park" on the ETC Site.

For reference, Appendix A includes a list of documents reviewed during this FYR. Appendix B includes current site status indicators. Appendix C includes a timeline of Site events.

#### **FIVE-YEAR REVIEW SUMMARY FORM**

<b>SITE IDENTIFICATION</b>		
Site Name: Escambia Wood - Pensacola		
EPA ID:FLD008168346		
Region: 4	State: Florida	City/County: Pensacola Escambia
<b>SITE STATUS</b>		
NPL Status: Final		
Multiple OUs? Yes	Has the site achieved construction completion? No	
<b>REVIEW STATUS</b>		
Lead agency: EPA		
Author name: Erik Spalvins (EPA), Johnny Zimmerman-Ward and Kelly MacDonald (Skeo)		
Author affiliation: EPA and Skeo		
Review period: 10 18 2016 - 7 27 2017		
Date of site inspection: 12 14 2016		
Type of review: Statutory		
Review number: 4		

Triggering action date: 9 27 2012
Due date ( <i>five years after triggering action date</i> ): 9 27 2017

## II. RESPONSE ACTION SUMMARY

### **Basis for Taking Action**

The facility was abandoned in 1991. In October 1991, EPA began a removal action to address immediate risks of exposure and to stabilize the Site. The EPA excavated and stockpiled about 225,000 cubic yards of contaminated material, which came to be known locally as “Mt. Dioxin”. The removal action was completed in 1992.

The basis of the interim remedial action was described in the 1997 Interim Record of Decision (ROD). In June 1995, the ETC Site was selected for the EPA’s National Relocation Evaluation Pilot to explore the extent of the Agency’s authority under CERCLA and to evaluate the range of EPA’s decision making and implementation processes when conducting permanent relocations under Superfund. The pilot would also help determine when relocation should be used in addressing the health threats posed by Superfund sites in a way that reflects community interests, while at the same time making cost-effective and technically sound remedial decisions. The remedy was developed in close consultation with the community and was adapted in response to the community’s concerns.

While the removal action and interim remedy eliminated much of the immediate risk, unacceptable risks were associated with the stockpiled soils and with surface soils. The EPA evaluated site risks in a 1998 risk assessment and a 2005 risk assessment addendum. The EPA evaluated exposure pathways for current future visitors, current future residents, future workers and exposure via leaching to groundwater. The following chemicals were identified as contaminants of concern (COCs) for soil in the 2006 Final ROD: PAHs, dioxin (as 2,3,7,8-tetrachlorodibenzo-p-dioxin [TCDD] toxicity equivalents [TEQ]), naphthalene, acenaphthene, fluorene, phenanthrene, 2-methylnaphthalene, dibenzofuran, carbazole and PCP.

### **Response Actions<sup>3</sup>**

In 1991, ETC filed for bankruptcy and abandoned the Site. During the 1991 to 1992 Removal Action, the EPA excavated and stockpiled 225,000 cubic yards of contaminated material on site and covered it with a liner. The EPA listed the Site on the National Priorities List (NPL) in December 1994. The EPA’s decision documents and remedy components are summarized below:

#### 1997 Interim ROD

- Permanent relocation of an estimated 358 households from the Rosewood Terrace, Oak Park, and Goulding subdivisions and the Escambia Arms Apartments.
- Purchase of properties and relocation of residents in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Demolition of the homes and use of institutional controls to restrict the land uses in the area to commercial and industrial uses.

#### 1998 Explanation of Significant Differences (ESD)

- Maintenance of the soil stockpile (Mt. Dioxin).

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<sup>3</sup> See the Site’s 2012 FYR Report for a more detailed response action history.

## 2004 ESD

- Excavation and on-site stockpiling of contaminated soil from surrounding residential properties encountered during demolition.

## 2006 Final ROD

- Excavation of contaminated soil both on site and off site, including permanent relocation of residents in the Clarinda Triangle neighborhood.
- Containment of the contaminated soil in lined cell(s) followed by installation of a multi-layer cap over the containment area compatible, to the extent possible, with the intended future commercial use of the property.
- Solidification/stabilization of identified principal threat waste to form a sub-cap (3 to 4 feet in thickness) beneath the multi-layer cap.
- O&M of the cap and containment system.
- Long-term groundwater monitoring of the containment system.
- Institutional controls to restrict future use of the Site to commercial uses compatible with the remedy.
- FYRs to ensure remedy protectiveness is maintained.

The 2006 Final ROD included the following remedial action objectives (RAOs):

- Prevent ingestion, inhalation or direct contact with surface soil that contains concentrations of contaminants in excess of remedial cleanup goals.
- Control migration and leaching of contaminants in surface and subsurface soil to groundwater that could result in groundwater contamination in excess of the EPA drinking water standards (maximum contaminant levels).
- Prevent ingestion or inhalation of soil particulates that contain contaminant concentrations in excess of remedial cleanup goals.
- Control future releases of contaminants to ensure protection of human health and the environment.

In 2012, the EPA issued an ESD to update the 2006 Final ROD's soil cleanup goals to reflect the appropriate level of protectiveness for potential exposure pathways at the Site and to change construction requirements in the ROD that were over-specific and found to be impractical once construction was underway.<sup>4</sup> Cleanup goals from the 2012 ESD are listed in Table 1 below. The FYR team noted that dibenzofuran is included in Table 1 - Chemicals of Concern (COC) of the 2006 ROD as a subsurface COC, but dibenzofuran is not listed in Table 10 - Final Soil Remedial Cleanup Goals for ETC OU-1. There is no documentation for why a cleanup goal for dibenzofuran was not included. However, the risk assessment calculated the Exposure Point Concentration for dibenzofuran as 259,000 µg/kg, which is below the FDEP SCTL of 320,000 µg/kg direct residential exposure and the FDEP

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<sup>4</sup> The 2006 Final ROD cleanup goals were changed because they were not developed for all potential pathways for all contaminants, and the Summers model used in 2006 resulted in cleanup goals that were overly conservative. The 2012 ESD established cleanup goals for all COCs based on both the direct exposure and leaching-based groundwater protection pathways. They also replaced the Summers model-derived cleanup goals with updated site-specific cleanup goals for groundwater protection.

SCTL of 6,300,000 µg/kg for commercial and industrial exposure. The deletion or omission of the cleanup goal for dibenzofuran does not change the protectiveness of the soil remedy.

**Table 1: Soil COC Cleanup Goals**

COC	2012 ESD Cleanup Goals	
	Direct Exposure Pathway – Direct Exposure Commercial/ Industrial Soil Cleanup Target Levels (SCTLs) (µg/kg)	Leaching-Based Groundwater Exposure Pathway – Leachability Based on Groundwater Criteria SCTL (µg/kg)
Benzo(a)pyrene EQ (cPAHs)	700	8,000
Dioxin TEQ (2,3,7,8-TCDD)	0.030	3,000 <sup>a</sup>
Naphthalene	300,000	1,200
Acenaphthene	20,000,000	2,100
Fluorene	33,000,000	160,000
Phenanthrene	36,000,000	250,000
2-Methylnaphthalene	2,100,000	8,500
Carbazole	240,000	200
Pentachlorophenol	28,000	30
<p><i>Notes:</i>  Source: 2012 OU1 ESD Table 2  Cleanup goals were applied to different areas on site based on the area's contamination extent:</p> <ul style="list-style-type: none"> <li>- Former neighborhoods, surface soil contamination only: direct exposure cleanup goals were applied.</li> <li>- Former facility, surface soil (0-6 feet): the more conservative of the direct exposure or leaching-based cleanup goals were applied.</li> <li>- Former facility, subsurface soil (deeper than 6 feet): leaching-based cleanup goals were applied.</li> </ul> <p><sup>a</sup> The 2012 ESD stated that the dioxin leachability FDEP Soil Cleanup Target Levels (SCTL) cleanup goal was 3,000 µg/kg, but the correct SCTL value is 3 µg/kg or 3,000 nanograms per kilogram.  The 2006 Final ROD identified dibenzofuran as a COC, but a cleanup goal was not established in the 2006 Final ROD or the 2012 ESD.  µg/kg = micrograms per kilogram</p>		

## **Status of Implementation**

### **Interim Remedial Action**

The EPA and the United States Army Corps of Engineers (USACE) entered into an Interagency Agreement in May 1997 to carry out the residential relocation. From 1997 to 2001, over 350 households and over 500 people were successfully relocated from the Rosewood Terrace, Oak Park, Escambia Arms and Goulding neighborhoods to comparable replacement housing in and around Pensacola. USACE acquired all but two tracts; one resident who owns and lives on two tracts on Pearl Street opted out of the relocation. The 2006 ROD added the relocation for the Clarinda Triangle neighborhood, which began in December 2006, was finished in August 2008 and included 38 properties. From 1997 to 2008, more than 400 households were successfully relocated as part of the Interim Remedial Action.

### **Final Remedial Action**

EPA contractors mobilized for the Final OU1 remedy in September 2007. The EPA's contractor began the remedial action by installing stormwater management and erosion control measures and clearing vegetation on site. The contractor disposed of some contaminated debris off site. Almost all buildings on the former facility property and in the Rosewood Terrace, Oak Park and Escambia Arms neighborhoods

had been demolished prior to the start of construction. Floor tiles, concrete slabs, footings, driveways and curbs remained; they were disposed of in the containment cell. One vacant house remained on the corner of Lansdowne Avenue and Tynsdale Drive. The EPA's contractor demolished it in January 2008 and disposed of the rubble off site.

The EPA's contractor excavated and stockpiled contaminated soil on site. Excavation of the existing contaminated soil stockpile took place from January 2008 to July 2009. The contractor filled the containment cell with about 20 feet of compacted contaminated soil and 2 to 3 feet of cement-stabilized soil. Once filled, the cell was capped with a composite liner, overlaid by a drainage system, and covered with at least 6 feet of clean fill soil. Excavation areas were limed, fertilized and seeded to prevent wind and water erosion. The final cell contains about 527,000 cubic yards of contaminated soil, debris and solidification stabilization-treated soil.

Confirmation soil sampling was conducted in the former neighborhood areas and on the former facility property. The resident on Pearl Street who opted out of the OU1 relocation and continues to live there would not grant the EPA property access for sampling. However, the EPA sampled the soil along the perimeter of the property to estimate the risk of exposure; the EPA found no unacceptable levels of contamination and judged that no further cleanup actions were needed at the Pearl Street residence.

During excavation of areas with contaminated soil, the EPA collected confirmation samples from the floors and sidewalls of the excavation and continued excavating soil if confirmation samples exceeded cleanup goals. This process was repeated until cleanup goals were no longer exceeded. Although the 2012 ESD incorrectly listed the dioxin leachability Soil Cleanup Target Level (SCTL) cleanup goal as 3,000 micrograms per kilogram ( $\mu\text{g/kg}$ ) rather than  $3\ \mu\text{g/kg}$ , confirmation sampling indicated no residual subsurface dioxin concentrations present above  $3\ \mu\text{g/kg}$ . The direct exposure dioxin cleanup goal is correct. The EPA will evaluate how to document this unit conversion typographical error to document the correct cleanup goal.

OU1 remedy verification monitoring wells CC-PMW-001 and CC-PMW-002 were installed in April 2013, and well MW37 was installed in June 2015.

On March 1, 2013, the State of Florida began the O&M phase of the OU1 Interim Remedial Action and most of the OU1 Final Remedial Action (excluding dewatering of the containment cell).

#### 2014 Flooding and Repair of SWMU-10 Excavation

As part of the 1991 EPA Removal Action, contractors excavated a former creosote pond and landfill known as Solid Waste Management Unit #10 (SWMU-10). EPA contractors excavated SWMU-10 more than 40 feet deep, and placed sheet piling on the north side. About 50 feet north of the sheet piling, there is a city-owned stormwater pond. During the OU1 Remedial Action, the EPA expanded the SWMU-10 excavation to the south and east due to subsurface creosote contamination. The aquifer under the SWMU-10 excavation is the source area for the groundwater contamination and contains more than 250,000 gallons of creosote free product.

On April 28 and 29, 2014, more than 20 inches of rain fell in Pensacola. The flood waters overtopped the soil between the City pond and the sheet piling and caused the sheet piling to bend until the water in the city pond flowed into the SWMU-10 excavation. The 40-foot deep SWMU 10 excavation was filled with water to within 5 feet of the top of the excavation, an estimated volume of 120,000 cubic yards or



more than 24 million gallons of water. The EPA conducted sampling of the surface water and additional monitoring of the OU2 well network. No site related contaminants were detected in the surface water.

The water level in the surficial aquifer around the SWMU-10 excavation raised 25 feet higher than before the flood. The EPA and EPA contractors determined that quickly dewatering SWMU 10 could lead to additional sheet pile stability issues, so the water was allowed to infiltrate naturally. In January 2015, the EPA conducted emergency repairs to eliminate the physical hazards and to stop water from flowing from the City pond into SWMU 10.

#### Institutional Control (IC) Review

There are two restrictive covenant documents in place for the Site – one for the former Rosewood Terrace Subdivision (instrument number 2014029668) and one for the former Oak Park, Escambia Arms, Clarinda Triangle and Herman & Pearl neighborhoods (instrument number 2014029669) (Table 2). Both restrictive covenants limit property use to commercial, industrial or manufacturing uses and exclude businesses that temporarily or permanently house people. The covenants also forbid the following uses unless FDEP grants prior approval: residential use, including mobile homes, hotels, motels, apartments, dormitories, campgrounds, group homes, retirement communities or temporary shelters; day care centers, kindergartens, or elementary or secondary schools; playgrounds, athletic fields or camps; and mining or agricultural purposes, including community gardens and forestry. The FDEP is responsible for enforcing the restrictive covenants, which do not allow camping. The EPA does not have a mechanism to enforce the restrictive covenants or for conducting O&M at the Site. To ensure the protectiveness of the remedy, the EPA evaluated the cleanup levels, residual contamination, and potential exposure to people camping on the site. The EPA determined that the people camping are not exposed to an unacceptable risk as a result of the unauthorized camping. The EPA noted that there are people camping on non-EPA-owned property north of Beggs Lane.

The Rosewood Terrace Subdivision Declaration of Restrictive Covenants includes additional restrictions to maintain the containment cell and soil cover. This institutional control covers the half of the containment cell located on the former Rosewood Terrace parcel. It prohibits actions that would damage or interfere with the containment cell, soil cover system, storm or surface water management system, or groundwater monitoring system. It also outlines design and construction requirements should future development occur, such as restrictions on road, railroad, utility and light pole construction as well as site grading and stormwater drainage control. The full institutional control documents are included in Appendix L. The EPA is currently working on implementing institutional controls for the former facility area, which consists of three parcels and includes the southern half of the containment cell. The City of Pensacola owns one parcel. One parcel is in tax default. One parcel is privately owned.

Most of the Site and the area downgradient of the Site are also located in a Florida Groundwater Delineation Area, which delineates areas with contaminated groundwater and restricts the installation of groundwater wells.<sup>5</sup>

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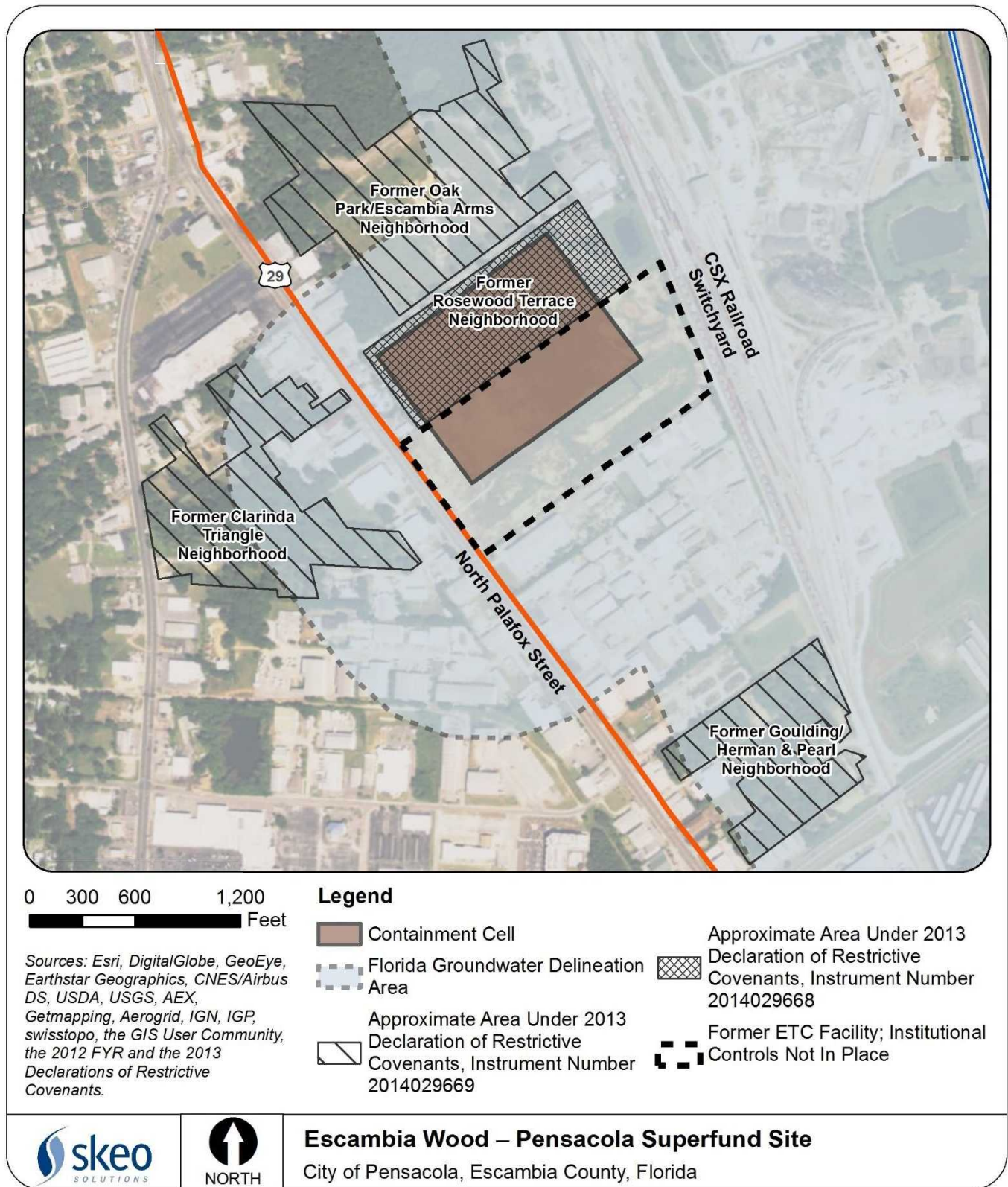
<sup>5</sup> FDEP groundwater delineation area information is available at <http://www.dep.state.fl.us/water/groundwater/delineate.htm>.



**Table 2: Summary of Planned and/or Implemented Institutional Controls (ICs)**

Media, Engineered Controls, and Areas that Do not Support UU/UE Based on Current Conditions	ICs Needed	ICs Called for in the Decision Documents	Impacted Parcel(s)	IC Objective	Title of IC Instrument Implemented and Date (or planned)
Soil	Yes	Yes	Former Rosewood Terrace Subdivision (list of parcels in the restrictive covenant)	<p>Restricts use of property to commercial, industrial or manufacturing purposes, except that the property shall not be used for any business involving temporary or permanent housing of individuals.</p> <p>Prohibits actions that would damage or interfere with the containment cell, soil cover system, storm or surface water management system, or groundwater monitoring system</p> <p>Includes construction and design restrictions to ensure future property development does not impact remedy protectiveness.</p>	2013 Declaration of Restrictive Covenants, Instrument Number 2014029668
Soil	Yes	Yes	Former Oak Park, Escambia Arms, Clarinda Triangle and Herman & Pearl neighborhoods (list of parcels in the restrictive covenant)	<p>Restrict use of property to commercial, industrial or manufacturing purposes, except that the property shall not be used for any business involving temporary or permanent housing of individuals.</p>	2013 Declaration of Restrictive Covenants, Instrument Number 2014029669
Soil	Yes	Yes	Former Facility Area Parcel Reference numbers: 052S301001001017, 052S301001001019, 052S301001002017	<p>Restrict use of property to commercial, industrial or manufacturing purposes, except that the property shall not be used for any business involving temporary or permanent housing of individuals.</p> <p>Prohibit actions that would damage or interfere with the containment cell, soil cover system, storm or surface water management system, or groundwater monitoring system.</p> <p>Include construction and design restrictions to ensure future property development does not impact remedy protectiveness.</p>	Planned; not yet implemented

**Figure 1: Institutional Control Map**



Disclaimer: This map and any boundary lines within the map are approximate and subject to change. The map is not a survey. The map is for informational purposes only regarding the EPA's response actions at the Site.

### **Systems Operations/Operation & Maintenance (O&M)**

The Site's 2012 OU1 O&M Plan outlines the following required activities:

- Semi-annual inspections of the containment cell, the subsurface water drainage system, the soil cover, the OU1 remedy verification groundwater monitoring wells, the surface water management system and site security features.
- Groundwater elevation monitoring in OU1 remedy verification monitoring wells, annual sampling of OU1 remedy verification groundwater monitoring wells, leachate removal, sampling and monitoring, and settlement monitoring for buildings constructed on the containment cell.
- Preventative maintenance for the vegetative cover, erosion and grading, and stormwater management system.

OU1 O&M activities are currently conducted by FDEP and their contractor. Table 3 shows O&M costs during this FYR period, summarized by the FDEP fiscal year. The contractor mows the cover of the containment cell area and fertilizes or seeds bare or eroded areas as needed. In the last five years, the contractor encountered repeated erosion issues in the southeast corner of the cell and subsequently installed a stormwater spillway to route stormwater flow to the retention area without erosion.

Additionally, FDEP's contractor observed partial blockages in outlet pipes feeding several manholes, which the contractor cleared. The contractor also found areas of fence damage that the contractor then secured. One of the double gates at the west end of Hickory Street was hit by a car and damaged beyond repair. The area now allows access to the fenced-off portion of Hickory Street (but not the Site).

The O&M Plan requires measuring groundwater levels in the OU1 remedy verification groundwater monitoring wells to verify that at least a 5-foot distance is maintained between the bottom of the containment cell and the top of the water table. If the distance is less than 5 feet, the plan requires EPA notification and possibly additional monitoring. Due to the heavy rain event in April 2014 the distance between the bottom of the cell and the top of the water table was less than 5 feet from May 2014 to February 2015. The EPA was notified of the elevated water table conditions and FDEP's contractor conducted additional monitoring. From February 2015 to May 2016, the separation has been greater than 5 feet except for CC-PMW-001 in May 2016, when the separation distance was 4.8 feet. FDEP and its contractor expect it to return to 5 feet by the next measurement.

**Table 3: O&M Costs Over the FYR Period**

<b>Date Range</b>	<b>Total Cost (rounded to the nearest \$1,000)</b>
May 2013 – June 2013	\$5,900
July 2013 – June 2014	\$44,000
July 2014 – June 2015	\$48,000
July 2015 – June 2016	\$42,000
July 2016 – June 2017	\$71,000
July 2017 – June 2018	\$40,000

### **III. PROGRESS SINCE THE LAST REVIEW**

This section includes the protectiveness determinations and statements from the last FYR as well as the recommendations from the last FYR and the status of those recommendations.



**Table 4: Protectiveness Determinations/Statements from the 2012 FYR**

OU #	Protectiveness Determination	Protectiveness Statement
1	Short-term Protective	The OU1 remedy currently protects human health and the environment because direct exposure has been eliminated, contaminated soils are contained and exposure pathways have been mitigated through access controls. However, in order for the OU1 remedy to be protective in the long term, remaining institutional controls (restrictive covenants and zoning changes) need to be implemented to protect the containment cell and restrict future land use.

**Table 5: Status of Recommendations from the 2012 FYR**

OU #	Issue	Recommendation	Current Status	Current Implementation Status Description	Completion Date
1	Institutional controls (restrictive covenants and zoning changes) are not in place.	Complete property transfers and implement institutional controls.	Ongoing	The EPA implemented institutional controls for the former neighborhood areas in April 2013. The EPA is currently working on implementing institutional controls for the former facility area. The property transfer to the State has not yet occurred.	Former neighborhood area institutional controls implemented on April 2, 2013. Remainder of recommendation ongoing.

## IV. FIVE-YEAR REVIEW PROCESS

### Community Notification, Involvement & Site Interviews

A public notice was made available by a newspaper posting in the *Pensacola News Journal* on January 12, 2017. The notice stated that the FYR was underway and invited the public to submit any comments to the EPA (Appendix F). The results of the review and the report will be made available at the Site's information repository, West Florida Genealogy Library, located at 5740 North Ninth Avenue in Pensacola.

During the FYR process, interviews were conducted to document any perceived problems or successes with the remedy that has been implemented to date. The results of these interviews are summarized below and included in Appendix K.

Erik Spalvins (EPA remedial project manager) and Jeff Day (SCMC LLC, O&M contractor) commented that the Site's remedy is functioning and protective and that the Site is ready for reuse. Mr. Spalvins noted that the EPA is ready for the State to accept ownership of the EPA-acquired property or to appoint a local government to do so, but understands the local and state government are concerned about taking ownership without a specific redevelopment opportunity in place. He also noted that neighboring property owners sometimes complain about vegetation growth and the presence of homeless people living in the woods in the former neighborhood areas. These concerns are forwarded to FDEP, which is responsible for O&M and enforcing the institutional controls. Mr. Day noted that the primary remedy performance issues have been minor erosion problems that were addressed. He also stated that the only groundwater impacts detected above groundwater cleanup target levels (GCTLs) were during a period of heavy rainfall. He also noted that although there is not a continuous O&M presence on site, SCMC conducts site visits, mowing, semi-annual security and stormwater inspections, and groundwater

monitoring. He suggested addressing rainwater collection in leachate recovery sumps by constructing a drain hole in the floor of the concrete sump.

Keith Wilkins (City of Pensacola, assistant city administrator) stated that there have been several recent site-related issues, including trespassing, an attempted property sale on Ebay and a tax lien. He stated that a landowner was camping on site as well. Mr. Wilkins expressed dissatisfaction that the EPA took a long time to address off-site contamination and that potentially responsible parties (PRPs) are no longer responsible for the cleanup. He suggested that the EPA should have taken title to all site properties. Moving forward, he suggested that EPA file the tax lien. Glenn Griffith (Escambia County) was also interviewed; he commented that there is a long history of illegal dumping at the Site and that the fencing has been breached in several places. He felt well informed regarding the Site's former environmental issues and remedial progress and was unaware of any projected land use changes.

A real estate agent representing an adjacent landowner was also interviewed and stated that his client was interested in purchasing property on the Site, but decided the land ownership was too complicated to pursue the purchase.

### **Data Review**

The 2006 Final ROD requires at least 30 years of long-term groundwater monitoring of water levels and contaminant concentrations. The purpose of the containment cell is to eliminate direct exposure to contaminated soil, to prevent rainwater from entering the top of the cell and to prevent leaching from the bottom of the cell liner. The elevation of the cell bottom liner (55 feet above mean sea level) was selected to be 5 feet higher than the seasonal high groundwater elevation of 50 feet. Monitoring wells are located upgradient and downgradient of the containment cell. The goal of the water level monitoring is to know if the groundwater table is in contact with the bottom liner of the containment cell. The goal of the SVOC monitoring is to verify the performance of the containment cell, though until the groundwater cleanup is complete, groundwater data contamination is not attributed to the containment cell.

The FDEP started O&M for the containment cell on March 1, 2013. This FYR evaluates data provided in FDEP O&M Reports. FDEP's contractor's scope of work is:

- Maintain the vegetative cover on Operable Unit 1
- Conduct inspections of the Operable Unit 1 storm water system in accordance with the O&M Plan
- Conduct semi-annual inspections for site security
- Gauge water levels in 2 monitoring wells quarterly
- Collect annual groundwater samples from 3 monitor wells for analysis by EPA Method 8270 (SVOCs)
- Submit inspection reports electronically to maintain the OU1 containment cell vegetative cover, conduct inspections of the OU1 containment cell stormwater and groundwater data from three wells – CC-PMW-001, CC-PMW-002 and MW37S.

This review considers groundwater levels and SVOC data presented in the FDEP Annual O&M Reports. Groundwater monitoring wells are located around the containment cell to verify the performance of the containment cell. The depth to groundwater is measured to measure the separation of the water table

from the bottom of the containment cell. Groundwater was also analyzed for SVOCs to verify that contaminants are not leaking from the containment cell.

EPA contractors installed one upgradient well (CC-PMW-001) and two downgradient wells (CC-PMW-002 and MW37S). The groundwater elevation data is summarized in Appendix I, Figure I-2: Groundwater Elevation Monitoring Results from the May 2017 Annual OU1 O&M Report. Under normal conditions, the water elevation in the upgradient well CC-PMW-001 is about 1.5 feet higher than downgradient well CC-PMW-002. This indicates the groundwater is moving from the higher elevation at CC-PMW-001 to the lower elevation at CC-PMW-002. After the April 28-29, 2014 flood, the localized water flow directions reversed. On May 5, 2014, the water level in the “downgradient” well CC-PMW-002 was 7.7 feet higher than the “upgradient” well CC-PMW-001. The normal direction of groundwater flow was observed again during the August 2012 sampling event.

Groundwater SVOC data from the FDEP O&M reports are included as Figure I-1. The purpose of groundwater SVOC sampling to verify that contaminants are not leaking from the containment cell. The O&M reports contain detailed discussion of the data. The EPA and FDEP evaluate the SVOC data as it is generated. The most notable trend in the SVOC data is the increase in concentrations associated with the April 2014 flood of SWMU-10. The localized groundwater flow from the source area under SWMU-10 towards CC-PMW-002 resulted in increased SVOC concentrations. Since the flow of groundwater returned to normal, the SVOC levels dropped significantly. The groundwater SVOC results since June 2015 confirm that the increased SVOCs after the April 2014 flood were temporary.

The list of constituents and the attained detection limits are not consistent between O&M sampling events. CC-PMW-001 and CC-PMW-002 have not been sampled for 1-methylnaphthalene or 2,3,4,6-tetrachlorophenol since November 2014. The detection limits for PCP in wells CC-PMW-001 and CC-PMW-002 consistently exceeded the GCTL of 1 microgram per liter (µg/L). In the November 2015 sampling event, the carbazole sample’s detection limit exceeded its GCTL in MW37S. Overall, the objective of the sampling was achieved: to verify that contaminants are not leaking from the containment cell.

Based on the current data, the containment cell is functioning as intended: to isolate contaminated soil from people at the surface and from groundwater in the subsurface. While the groundwater SVOC monitoring data had detections, they were associated with the movement of the existing groundwater plume, which will be addressed under OU2 when funding is available. The EPA and FDEP could revise the O&M plan to clarify the list of constituents and the desired detection limits. While there are several COCs, it may be appropriate to use a limited number of constituents for initial screening.

### **Site Inspection**

The site inspection took place on December 14, 2016. In attendance were EPA remedial project manager Erik Spalvins, EPA community involvement coordinator L’Tonya Spencer, Aaron Cohen from FDEP, Shannon Jeffries from FDEP contractor Arcadis, Jeff Day from O&M contractor SCMC LLC, Glenn Griffith from Escambia County, and Johnny Zimmerman-Ward and Kelly MacDonald from EPA contractor Skeo. The purpose of the inspection was to assess the protectiveness of the remedy.

The group began the inspection at the Site’s office trailer in the former Rosewood Terrace neighborhood. Participants inspected the containment cell area, which was mostly vegetated with some bare areas that may require seeding. Fire ants and associated ant hills were widespread on site. Erosion

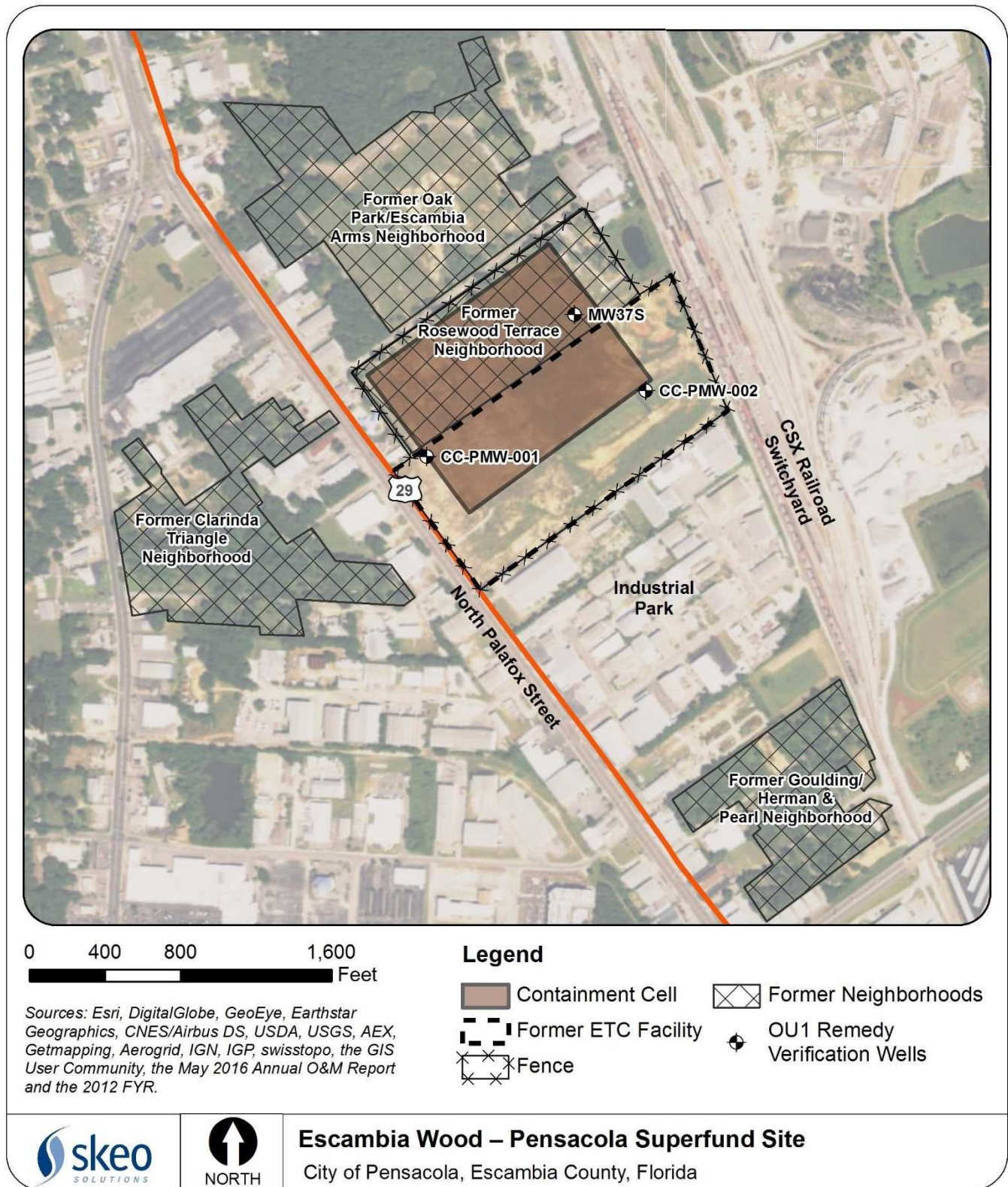
was only evident in the area immediately southeast of the cell, which has been counteracted by the installation of a spillway drainage structure. Participants also inspected monitoring wells, site manholes and the leachate treatment system, which were all in good condition. The leachate treatment system has not been activated since the fall of 2015. Participants noted that the containment cell area is well fenced and signed. In the past five years, cameras have been installed on site to monitor and deter trespassers. Trespassers were caught stealing site equipment such as tools and batteries. One of the former facility area property owners lived on site in a camper for one or two months; FDEP fenced some areas to prevent disturbance of site equipment and to prevent people living in the camper from accessing leachate sumps. The property owner has since moved.

Participants then visited the former Goulding, Clarinda Triangle and Former Oak Park Escambia Arms neighborhoods. Trash from illegal dumping such as abandoned tires, televisions and mattresses was present. There were also several people camping in the wooded portions of all former neighborhood areas except for Rosewood Terrace; this continues to be a chronic issue at the Site. There were people camping on non-EPA-owned property north of Beggs Lane. Site inspection participants passed by the two homes on Pearl Street that opted out of the residential relocation. The site inspection checklist and photographs are included in Appendices E and G, respectively.

Skeo visited the site repository, West Florida Genealogy Library, located at 5740 North 9th Avenue in Pensacola. The library had four shelves of site-related documents, with the most recent documents dating to 2014.



**Figure 2: Detailed Site Map**



Disclaimer: This map and any boundary lines within the map are approximate and subject to change. The map is not a survey. The map is for informational purposes only regarding the EPA's response actions at the Site.



## V. TECHNICAL ASSESSMENT

### QUESTION A: Is the remedy functioning as intended by the decision documents?

The remedy appears to be functioning as intended, except for the lack of institutional controls on the former facility area and the trespassing in the former neighborhood areas. The 1991 removal action of excavation and stockpiling of contaminated materials, the 1997 interim remedy of residential relocation, and the 2006 final remedy of relocation, soil excavation, containment, capping and solidification/stabilization have addressed the risk posed by contaminated soils. These actions support the RAOs of preventing ingestion, inhalation or direct contact with contaminated surface soil, preventing ingestion or inhalation of contaminated soil particulates, and controlling future releases of contaminants to ensure protection of human health and the environment.

The vegetative cover on the former facility area appears to be in generally good condition; some erosion issues were addressed with the addition of the spillway. There are still areas of sparse vegetation that should continue to be addressed through O&M activities to prevent erosion, though erosion was very limited, even where vegetation was sparse. Access to the former facility area is controlled through fences, signage and road barricades, which all appear to be generally effective. Institutional controls are in place for about half of the containment cell area; the Rosewood Terrace Subdivision Declaration of Restrictive Covenants includes restrictions on actions that would damage or interfere with the containment cell, soil cover system, storm or surface water management system, or groundwater monitoring. It also limits property uses to commercial, industrial or manufacturing uses, and includes requirements to maintain the containment cell and soil cover should future development occur.

While the former facility area (which contains about half of the containment cell) is zoned for light industrial use (M-1), there are no formal institutional controls currently in place in that area.<sup>6</sup> The ROD requires commercial use zoning restrictions for the containment cell, which the EPA will continue to pursue. The City of Pensacola and Escambia County both expressed a desire to acquire the two privately-owned parcels in the former facility area; the City owns the third parcel.

Some of the former neighborhood areas are fenced or have road barricades to limit unauthorized access. However, trespassing, illegal dumping and homeless encampments are evident in these areas. The remedy intended that the Site would be used only for commercial or industrial purposes, which made the institutional controls restricting residential use a vital part of the remedy. The State will need to develop and deploy a vigorous enforcement plan for the Institutional Controls.

The EPA's mission is to protect human health, so the EPA is concerned about people camping long-term on the Site. Accordingly, the EPA evaluated whether people camping on the Site could be putting themselves at risk of exposure. The EPA evaluated the cleanup levels achieved by the cleanup and the residual contamination levels where no cleanup was required by the ROD. The EPA's risk assessor compared the cleanup actually achieved with EPA's human health screening levels and concluded that people camping are not exposed to an unacceptable risk as a result of the unauthorized camping.

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<sup>6</sup> The zoning designation was accessed on 7/20/17 at <http://cityview.cityofpensacola.com/>. The definition of M-1 zoning was accessed on 7/20/17 at [https://library.municode.com/fl/pensacola/codes/code\\_of\\_ordinances?nodeId=TITXIIIADECO\\_CH12-2.ZODI\\_ARTIINGE\\_S12-2-9INLAUSDI](https://library.municode.com/fl/pensacola/codes/code_of_ordinances?nodeId=TITXIIIADECO_CH12-2.ZODI_ARTIINGE_S12-2-9INLAUSDI).

Institutional controls are in place for the former neighborhood areas to limit property use to commercial, industrial or manufacturing uses. However, it appears that these institutional controls are not adequately enforced and do not prevent camping and living on site. FDEP should consider ways to stop inappropriate site uses.

The containment cell was finished in 2010 and the first remedy verification wells were installed in April 2013. Groundwater monitoring results from 2013 to 2016 indicate that the remedy is achieving the RAO of preventing contaminant leaching to groundwater. Recent concentrations are below the GCTLs or detection limits. Exceedances of GCTLs in 2014 appear to be the result of temporary aquifer conditions caused by an extreme rain event and an elevated water table; no samples exceeded the GCTLs in 2015 or 2016. The list of constituents and the attained detection limits are not consistent between sampling events. The O&M plan could be revised to clarify the list of constituents and the desired detection limits. It may be appropriate to use a limited number of constituents for initial screening.

**QUESTION B:** Are the exposure assumptions, toxicity data, cleanup levels and remedial action objectives (RAOs) used at the time of the remedy selection still valid?

As of the 2012 ESD, soil cleanup goals were based on the direct exposure commercial industrial SCTLs and the leachability-based groundwater criteria SCTLs. None of these standards have changed since 2012; a full comparison of standards is included in Appendix H. However, the 2012 ESD lists the dioxin leachability SCTL cleanup goal incorrectly as 3,000 µg kg rather than 3 µg kg. Confirmation sampling indicates no residual dioxin concentrations present above 3 µg kg, but this typographical error may warrant additional documentation to clarify the dioxin cleanup goal.

The 2006 Final ROD identified dibenzofuran as a soil COC for groundwater protection, but a cleanup goal was not established in the 2006 Final ROD or the 2012 ESD. Dibenzofuran is a creosote constituent that would be collocated with other creosote compounds. The remedy confirmation sampling data relied on the five most toxic of the nine COCs: Benzo(a)pyrene TEQ, Dioxin TEQ (2,3,7,8-TCDD), Naphthalene, Carbazole, and Pentachlorophenol. Dibenzofuran's SCTL is 6,300,000 ug kg. The exclusion of dibenzofuran as a COC did not result in a less protective remedy. The EPA and FDEP will discuss if additional documentation is needed relative to the handling of dibenzofuran as a COC.

During the December 2016 site inspection, participants noted evidence of trespassing in the form of homeless encampments north of Beggs Lane. It is not clear if the encampments were located on EPA-acquired property. Homeless encampments were observed previously and EPA took steps during Remedial Action to prevent camping. The FDEP may need additional controls such as fencing, signage or policing to deter land uses that are not compatible with commercial industrial cleanup standards.

The EPA evaluated the potential exposure of people camping on the Site, which was not considered in the ROD. To ensure the protection of human health, the EPA evaluated the cleanup levels achieved and the residual contamination levels. The EPA's risk assessor compared the cleanup actually achieved with EPA's human health screening levels and concluded that people camping are not exposed to an unacceptable risk as a result of the unauthorized camping.

**QUESTION C:** Has any other information come to light that could call into question the protectiveness of the remedy?

No other information that has come to light that could call into question the protectiveness of the remedy.

## VI. ISSUES/RECOMMENDATIONS

Issues/Recommendations				
<b>OU(s) without Issues/Recommendations Identified in the FYR:</b>				
None.				

Issues and Recommendations Identified in the FYR:				
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OU(s): 1	<b>Issue Category: Institutional Controls</b>			
	<b>Issue:</b> Due to ownership issues, there are no restrictive covenants in place for the former facility area.			
	<b>Recommendation:</b> Implement institutional controls for the former facility area.			
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	Yes	EPA and property owners	EPA	9/27/2020

OU(s): 1	<b>Issue Category: Site Access/Security</b>			
	<b>Issue:</b> There are homeless encampments in the former neighborhood areas, which is contrary to the restrictive covenants.			
	<b>Recommendation:</b> FDEP is responsible for preventing unauthorized uses such as trespassing and homeless encampments in the former neighborhood areas. FDEP should implement additional engineering and access controls and/or increase enforcement of institutional controls by the local government and police department.			
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	Yes	State	EPA	3/27/2018

OU(s): 1	<b>Issue Category: Monitoring</b>			
	<b>Issue:</b> The 2006 Final ROD identified dibenzofuran as a soil COC, but a cleanup goal was not established in the 2006 Final ROD or 2012 ESD. In addition, the 2012 ESD lists the incorrect dioxin leachability SCTL cleanup goal as 3,000 µg/kg rather than 3 µg/kg.			
	<b>Recommendation:</b> Clarify dibenzofuran and dioxin soil cleanup goals in a decision document.			
<b>Affect Current Protectiveness</b>	<b>Affect Future Protectiveness</b>	<b>Party Responsible</b>	<b>Oversight Party</b>	<b>Milestone Date</b>
No	No	EPA	EPA	9/27/2018

## **OTHER FINDINGS**

In addition, the following recommendations identified during the FYR may improve the quality of groundwater data and improve the performance of the remedy. They do not affect current and or future protectiveness:

- Clarify Cleanup Levels with memo to file or ESD. The 2006 Final ROD identified dibenzofuran as a soil COC, but a cleanup goal was not established in the 2006 Final ROD or 2012 ESD. In addition, the 2012 ESD lists the incorrect dioxin leachability SCTL cleanup goal as 3,000 µg kg rather than 3 µg kg.
- The list of constituents and the attained detection limits are not consistent between sampling events. The O&M plan should be revised to clarify the list of constituents and the desired detection limits. It may be appropriate to use a limited number of constituents for initial screening.
- Update the O&M Plan to clarify evaluation criteria for groundwater monitoring and water level data.
- Continue to address areas of sparse vegetation on the containment cell to maintain erosion control.

## **VII. PROTECTIVENESS STATEMENT**

<b>Protectiveness Statement</b>	
<i>Operable Unit: 1</i>	<i>Protectiveness Determination:</i> Short-term Protective
<i>Protectiveness Statement:</i> The remedy at OUI currently protects human health and the environment because residents were relocated, soils were remediated to commercial industrial standards in the former neighborhoods and excavated soils were consolidated and capped in the former facility area. However, in order for the remedy to be protective in the long term, the following actions need to be taken to ensure protectiveness: <ul style="list-style-type: none"><li>• Implement restrictive covenants for the former facility area.</li><li>• Prevent uses not allowed by restrictive covenants, such as trespassing and homeless encampments in the former neighborhood areas by implementing additional engineering and access controls and or increasing enforcement of institutional controls by the local government and police department.</li><li>• Clarify dibenzofuran and dioxin soil cleanup goals in a decision document (memo to file or ESD).</li></ul>	

## **VIII. NEXT REVIEW**

The next FYR Report for the Escambia Wood - Pensacola Superfund site is required five years from the completion date of this review.

## **APPENDIX A – REFERENCE LIST**

Annual Operation and Maintenance Report, June 2013-May 2014, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. May 2014.

Annual Operation and Maintenance Report, June 2014-May 2015, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. July 2015.

Annual Operation and Maintenance Report, June 2015-May 2016, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. May 2016.

Annual Operation and Maintenance Report, June 2016-May 2017, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. May 2017.

Declaration of Restrictive Covenants, Oak Park, Escambia Arms, Clarinda Triangle, and Herman & Pearl neighborhoods, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. April 2013.

Declaration of Restrictive Covenants, Rosewood Terrace Subdivision, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. April 2013.

Interim Record of Decision, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. February 1997.

Explanation of Significant Differences, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. May 1998.

Explanation of Significant Differences, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. April 2004.

Explanation of Significant Differences, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. March 2012.

Final Record of Decision, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. February 2006.

Final OU1 O&M Plan, Revision 4, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. March 2012.

Five-Year Review, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. September 2012.

Interim OU1 Remedial Action Report, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. September 2009.

Interim OU1 Remedial Action Report, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. September 2010.

Operation and Maintenance Report, December 2013-February 2014, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. February 2014.

Operation and Maintenance Report, June-August 2013, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. August 2013.

Operation and Maintenance Report, September-November 2013, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. ARCADIS US, Inc. May 2016.

Ready for Reuse Fact Sheet, Escambia Wood - Pensacola Superfund Site, Pensacola, Florida. EPA Region 4. June 2012.



## APPENDIX B – CURRENT SITE STATUS

### Environmental Indicators

- *Current human exposures at the Site are under control.*
- *Contaminated groundwater status is not under control.*

### Are Necessary Institutional Controls in Place?

☐ All ☒ Some ☐ None

### Has EPA Designated the Site as Sitewide Ready for Anticipated Use?

☐ Yes ☒ No

### Has the Site Been Put into Reuse?

☐ Yes ☒ No

## APPENDIX C – SITE CHRONOLOGY

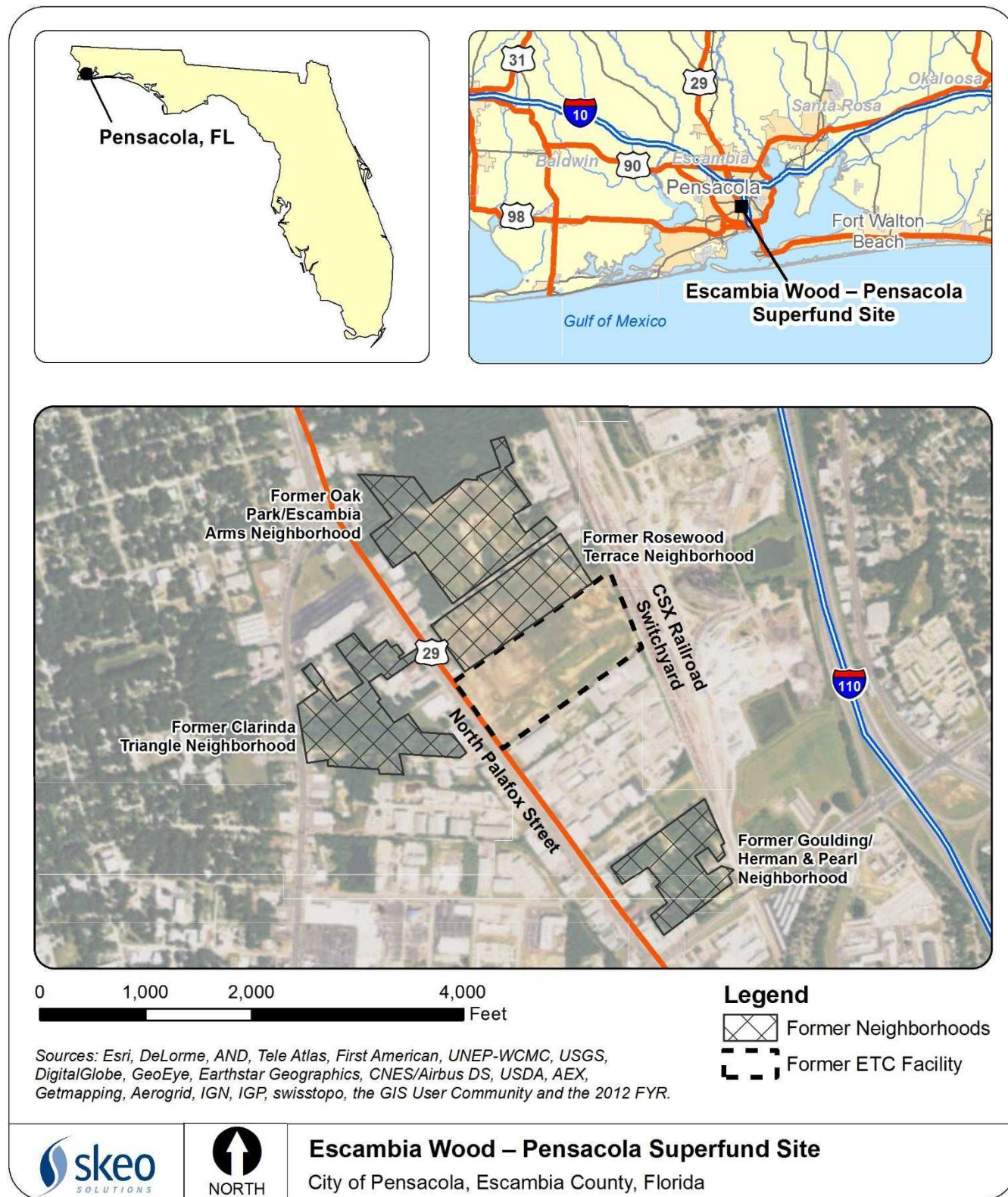
**Table C-1: Site Chronology**

Event	Date
ETC began creosote wood-treating operations	1942
ETC began use of coal-tar creosote	1944
ETC began use of PCP	1963
ETC began exclusive use of PCP	1970
Initial discovery of problem or contamination	August 1, 1980
The EPA conducted sampling	April 1982
ETC ceased operations	October 1982
State completed site-wide preliminary assessment	August 1, 1984
ETC removed 168 cubic yards of sludge from three impoundments	September 1985
FDER identified backfilled impoundment as an unpermitted disposal area	1986
FDER conducted sampling for PCP found in monitoring wells	September 1987
ETC removed contaminated wood sidewalls from two small impoundments	1988
The EPA conducted a facility assessment under the Resource Conservation and Recovery Act	1990
ETC filed for bankruptcy and abandoned the property	1991
The EPA began soil removal and creation of soil stockpile	October 1991
The EPA completed removal action (excavation of estimated 225,000 cubic yards)	October 1992
The EPA proposed the Site for listing on the Superfund program's NPL	August 23, 1994
The EPA finalized the Site's listing on the NPL	December 16, 1994
The EPA began site-wide remedial investigation/feasibility study (RI/FS)	1995
The EPA nominated the Site for National Relocation Evaluation Pilot	June 1995
The EPA sampled residential soils	July 1995
The EPA issued Proposed Plan to relocate 66 families in Rosewood Terrace	April 1996
The EPA issued Proposed Plan Addendum, adding 35 homes from Oak Park to relocation list	August 1996
The EPA issued OU1 Interim ROD, which selected an interim remedy to relocate 358 households	February 12, 1997
The EPA and FDER signed a State Superfund Contract for implementation of the interim remedy	May 5, 1997
The EPA sent first offer letters sent to homeowners	August 30, 1997
The EPA issued revised draft OU1 RI/FS	February 9, 1998
The EPA issued ESD for maintenance of soil stockpile	April 30, 1998
The U.S. Department of Justice reached a final settlement with the site owner	2002
The EPA issued the Site's Administrative Order on Consent	April 22, 2002
The EPA signed first FYR	September 25, 2002
First houses demolished	2004
The EPA initiated additional soil investigation	2004
The EPA issued OU1 ESD	April 23, 2004
The EPA completed OU1 baseline risk assessment	May 25, 2005
The EPA completed revised FS for OU1	June 2005
The EPA issued OU1 proposed plan	August 17, 2005
Demolition of all homes for which the United States had clear title was completed	August 2005
The EPA issued Final OU1 ROD	February 13, 2006

<b>Event</b>	<b>Date</b>
Relocation of Clarinda Triangle neighborhood began	December 2006
The EPA began construction on the final remedial action	August 24, 2007
The EPA signed the second FYR	September 27, 2007
Relocation of Clarinda Triangle neighborhood completed	August 2008
The EPA issued OU2 ROD	September 29, 2008
The EPA issued notice letters to potentially responsible parties	September 30, 2008
The EPA began excavation of existing soil stockpile (Mt. Dioxin)	October 2008
The EPA discovered extensive contamination in groundwater and began an RI/FS focused on the newly discovered OU2 source area	Early 2009
The EPA completed excavation of existing stockpile (Mt. Dioxin)	July 8, 2009
The EPA completed a draft focused RI/FS for the OU2 source area	February 18, 2010
The EPA completed major components of OU1 soil work, leaving only minor closeout items and administrative steps	July 31, 2010
The EPA issued OU1 ESD	March 5, 2012
The EPA signed third FYR	September 27, 2012
The EPA began OU2 remedial design	September 26, 2014
The EPA issued OU2 ROD Amendment	September 29, 2015
The EPA completed OU2 remedial design	September 29, 2016

## APPENDIX D – SITE MAPS

**Figure D-1: Site Vicinity Map**



Disclaimer: This map and any boundary lines within the map are approximate and subject to change. The map is not a survey. The map is for informational purposes only regarding the EPA's response actions at the Site.

## APPENDIX E – SITE INSPECTION CHECKLIST

<b>FIVE-YEAR REVIEW SITE INSPECTION CHECKLIST</b>			
<b>I. SITE INFORMATION</b>			
<b>Site Name:</b> Escambia Wood - Pensacola		<b>Date of Inspection:</b> <u>12 14 2016</u>	
<b>Location and Region:</b> Pensacola, Florida 4		<b>EPA ID:</b> FLD008168346	
<b>Agency, Office or Company Leading the Five-Year Review:</b> <u>EPA</u>		<b>Weather/Temperature:</b> <u>overcast and 60s</u>	
<b>Remedy Includes:</b> (Check all that apply) <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Landfill cover containment  <input checked="" type="checkbox"/> Access controls  <input checked="" type="checkbox"/> Institutional controls  <input type="checkbox"/> Groundwater pump and treatment  <input type="checkbox"/> Surface water collection and treatment  <input type="checkbox"/> Other: _____             </div> <div style="width: 45%;"> <input type="checkbox"/> Monitored natural attenuation  <input type="checkbox"/> Groundwater containment  <input type="checkbox"/> Vertical barrier walls             </div> </div>			
<b>Attachments:</b> <input type="checkbox"/> Inspection team roster attached <input type="checkbox"/> Site map attached			
<b>II. INTERVIEWS</b> (check all that apply)			
<b>1. O&amp;M Site Manager</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 30%;">Date _____</div> </div> Interviewed <input type="checkbox"/> at site <input type="checkbox"/> at office <input type="checkbox"/> by phone    Phone: _____ Problems, suggestions <input type="checkbox"/> Report attached: _____			
<b>2. O&amp;M Staff</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 30%;">Date _____</div> </div> Interviewed <input type="checkbox"/> at site <input type="checkbox"/> at office <input type="checkbox"/> by phone    Phone: _____ Problems suggestions <input type="checkbox"/> Report attached: _____			
<b>3. Local Regulatory Authorities and Response Agencies</b> (i.e., state and tribal offices, emergency response office, police department, office of public health or environmental health, zoning office, recorder of deeds, or other city and county offices). Fill in all that apply. <div style="margin-top: 10px;">             Agency _____              Contact _____  <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 20%;">Date _____</div> <div style="width: 20%;">Phone No. _____</div> </div>             Problems suggestions <input type="checkbox"/> Report attached: _____           </div> <div style="margin-top: 10px;">             Agency _____              Contact _____  <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 20%;">Date _____</div> <div style="width: 20%;">Phone No. _____</div> </div>             Problems suggestions <input type="checkbox"/> Report attached: _____           </div> <div style="margin-top: 10px;">             Agency _____              Contact _____  <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 20%;">Date _____</div> <div style="width: 20%;">Phone No. _____</div> </div>             Problems suggestions <input type="checkbox"/> Report attached: _____           </div> <div style="margin-top: 10px;">             Agency _____              Contact _____  <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 20%;">Date _____</div> <div style="width: 20%;">Phone No. _____</div> </div>             Problems suggestions <input type="checkbox"/> Report attached: _____           </div> <div style="margin-top: 10px;">             Agency _____              Contact _____  <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 30%;">Name _____</div> <div style="width: 30%;">Title _____</div> <div style="width: 20%;">Date _____</div> <div style="width: 20%;">Phone No. _____</div> </div>             Problems suggestions <input type="checkbox"/> Report attached: _____           </div>			

Problems suggestions <input type="checkbox"/> Report attached: _____			
4. <b>Other Interviews</b> (optional) <input type="checkbox"/> Report attached: _____			
<b>III. ON-SITE DOCUMENTS AND RECORDS VERIFIED</b> (check all that apply)			
1. <b>O&amp;M Documents</b>			
<input checked="" type="checkbox"/> O&M manual	<input checked="" type="checkbox"/> Readily available	<input checked="" type="checkbox"/> Up to date	<input type="checkbox"/> N A
<input checked="" type="checkbox"/> As-built drawings	<input checked="" type="checkbox"/> Readily available	<input checked="" type="checkbox"/> Up to date	<input type="checkbox"/> N A
<input checked="" type="checkbox"/> Maintenance logs	<input checked="" type="checkbox"/> Readily available	<input checked="" type="checkbox"/> Up to date	<input type="checkbox"/> N A
Remarks: _____			
2. <b>Site-Specific Health and Safety Plan</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
<input type="checkbox"/> Contingency plan emergency response plan		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
3. <b>O&amp;M and OSHA Training Records</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
4. <b>Permits and Service Agreements</b>			
<input type="checkbox"/> Air discharge permit	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N A
<input type="checkbox"/> Effluent discharge	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N A
<input type="checkbox"/> Waste disposal, POTW	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N A
<input type="checkbox"/> Other permits: _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N A
Remarks: _____			
5. <b>Gas Generation Records</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
6. <b>Settlement Monument Records</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
7. <b>Groundwater Monitoring Records</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
8. <b>Leachate Extraction Records</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
9. <b>Discharge Compliance Records</b>			
<input type="checkbox"/> Air	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N A
<input type="checkbox"/> Water (effluent)	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date	<input checked="" type="checkbox"/> N A
Remarks: _____			
10. <b>Daily Access/Security Logs</b>		<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N A
Remarks: _____			
<b>IV. O&amp;M COSTS</b>			
1. <b>O&amp;M Organization</b>			

<input type="checkbox"/> State in-house <input type="checkbox"/> PRP in-house <input type="checkbox"/> Federal facility in-house <input type="checkbox"/> _____	<input checked="" type="checkbox"/> Contractor for state <input type="checkbox"/> Contractor for PRP <input type="checkbox"/> Contractor for Federal facility
--	---

**2. O&M Cost Records**

☒ Readily available
☐ Up to date

☐ Funding mechanism agreement in place
☐ Unavailable

Original O&M cost estimate: \_\_\_\_\_ ☐ Breakdown attached

Total annual cost by year for review period if available

From: _____	To: _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	

From: _____	To: _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	

From: _____	To: _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	

From: _____	To: _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	

From: _____	To: _____	_____	<input type="checkbox"/> Breakdown attached
Date	Date	Total cost	

**3. Unanticipated or Unusually High O&M Costs during Review Period**

Describe costs and reasons: \_\_\_\_\_

**V. ACCESS AND INSTITUTIONAL CONTROLS**    ☒ Applicable    ☐ N A

**A. Fencing**

1.      **Fencing Damaged**      ☐ Location shown on site map    ☒ Gates secured    ☐ N A

Remarks: \_\_\_\_\_

**B. Other Access Restrictions**

1.      **Signs and Other Security Measures**      ☐ Location shown on site map    ☐ N A

Remarks: \_\_\_\_\_

**C. Institutional Controls (ICs)**



<b>1. Implementation and Enforcement</b> Site conditions imply ICs not properly implemented <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N A Site conditions imply ICs not being fully enforced <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N A Type of monitoring (e.g., self-reporting, drive by): _____ Frequency: _____ Responsible party agency: _____  <table style="width: 100%;"> <tr> <td style="width: 25%;">Contact _____</td> <td style="width: 25%;">_____</td> <td style="width: 25%;">_____</td> <td style="width: 25%;">_____</td> </tr> <tr> <td style="text-align: center;">Name</td> <td style="text-align: center;">Title</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Phone no.</td> </tr> </table> Reporting is up to date <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N A Reports are verified by the lead agency <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N A Specific requirements in deed or decision documents have been met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N A Violations have been reported <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N A Other problems or suggestions: <input type="checkbox"/> Report attached				Contact _____	_____	_____	_____	Name	Title	Date	Phone no.
Contact _____	_____	_____	_____								
Name	Title	Date	Phone no.								
<b>2. Adequacy</b> <input type="checkbox"/> ICs are adequate <input checked="" type="checkbox"/> ICs are inadequate <input type="checkbox"/> N A Remarks: <u>Homeless camps are on many of the remediated properties. The main capped area is fenced and secured, but no institutional controls will be in place for the area until ownership is resolved.</u>											
<b>D. General</b>											
<b>1. Vandalism/Trespassing</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> No vandalism evident Remarks: <u>Camps set up on site, outside of the fenced, capped area.</u>											
<b>2. Land Use Changes On Site</b> <input checked="" type="checkbox"/> N A Remarks: _____											
<b>3. Land Use Changes Off Site</b> <input checked="" type="checkbox"/> N A Remarks: _____											
<b>VI. GENERAL SITE CONDITIONS</b>											
<b>A. Roads</b> <input checked="" type="checkbox"/> Applicable <input type="checkbox"/> N A											
<b>1. Roads Damaged</b> <input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Roads adequate <input type="checkbox"/> N A Remarks: _____											
<b>B. Other Site Conditions</b>											
Remarks: _____											
<b>VII. LANDFILL COVERS</b> <input checked="" type="checkbox"/> Applicable <input type="checkbox"/> N A											
<b>A. Landfill Surface</b>											
<b>1. Settlement</b> (low spots) <input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Settlement not evident Area extent: _____ Depth: _____ Remarks: _____											
<b>2. Cracks</b> <input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Cracking not evident Lengths: _____ Widths: _____ Depths: _____ Remarks: _____											

<b>3. Erosion</b> Area extent: _____ Remarks: _____	<input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Erosion not evident Depth: _____	
<b>4. Holes</b> Area extent: _____ Remarks: _____	<input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Holes not evident Depth: _____	
<b>5. Vegetative Cover</b> <input type="checkbox"/> No signs of stress Remarks: _____	<input checked="" type="checkbox"/> Grass <input type="checkbox"/> Trees shrubs (indicate size and locations on a diagram)	<input checked="" type="checkbox"/> Cover properly established
<b>6. Alternative Cover</b> (e.g., armored rock, concrete) Remarks: _____		<input checked="" type="checkbox"/> N A
<b>7. Bulges</b> Area extent: _____ Remarks: _____	<input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Bulges not evident Height: _____	
<b>8. Wet Areas/Water Damage</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Wet areas  <input type="checkbox"/> Ponding  <input type="checkbox"/> Seeps  <input type="checkbox"/> Soft subgrade         </div> <div style="width: 30%;"> <input type="checkbox"/> Location shown on site map  <input type="checkbox"/> Location shown on site map  <input type="checkbox"/> Location shown on site map  <input type="checkbox"/> Location shown on site map         </div> <div style="width: 30%;">           Area extent: _____            Area extent: _____            Area extent: _____            Area extent: _____         </div> </div> Remarks: _____		
<b>9. Slope Instability</b> <input checked="" type="checkbox"/> No evidence of slope instability Area extent: _____ Remarks: _____		
<b>B. Benches</b> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N A (Horizontally constructed mounds of earth placed across a steep landfill side slope to interrupt the slope in order to slow down the velocity of surface runoff and intercept and convey the runoff to a lined channel.)		
<b>1. Flows Bypass Bench</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> N A or okay Remarks: _____		
<b>2. Bench Breached</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> N A or okay Remarks: _____		
<b>3. Bench Overtopped</b> <input type="checkbox"/> Location shown on site map <input type="checkbox"/> N A or okay Remarks: _____		
<b>C. Letdown Channels</b> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N A (Channel lined with erosion control mats, riprap, grout bags or gabions that descend down the steep side slope of the cover and will allow the runoff water collected by the benches to move off of the landfill cover without creating erosion gullies.)		

1. <b>Settlement</b> (Low spots)	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> No evidence of settlement	
Area extent: _____		Depth: _____	
Remarks: _____			
2. <b>Material Degradation</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> No evidence of degradation	
Material type: _____		Area extent: _____	
Remarks: _____			
3. <b>Erosion</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> No evidence of erosion	
Area extent: _____		Depth: _____	
Remarks: _____			
4. <b>Undercutting</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> No evidence of undercutting	
Area extent: _____		Depth: _____	
Remarks: _____			
5. <b>Obstructions</b>	Type: _____	<input type="checkbox"/> No obstructions	
<input type="checkbox"/> Location shown on site map	Area extent: _____		
Size: _____			
Remarks: _____			
6. <b>Excessive Vegetative Growth</b>	Type: _____		
<input type="checkbox"/> No evidence of excessive growth			
<input type="checkbox"/> Vegetation in channels does not obstruct flow			
<input type="checkbox"/> Location shown on site map	Area extent: _____		
Remarks: _____			
<b>D. Cover Penetrations</b> <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N A			
1. <b>Gas Vents</b>	<input type="checkbox"/> Active	<input type="checkbox"/> Passive	
<input type="checkbox"/> Properly secured locked	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled	<input type="checkbox"/> Good condition
<input type="checkbox"/> Evidence of leakage at penetration		<input type="checkbox"/> Needs maintenance	<input type="checkbox"/> N A
Remarks: _____			
2. <b>Gas Monitoring Probes</b>			
<input type="checkbox"/> Properly secured locked	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled	<input type="checkbox"/> Good condition
<input type="checkbox"/> Evidence of leakage at penetration		<input type="checkbox"/> Needs maintenance	<input type="checkbox"/> N A
Remarks: _____			
3. <b>Monitoring Wells</b> (within surface area of landfill)			
<input type="checkbox"/> Properly secured locked	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled	<input type="checkbox"/> Good condition
<input type="checkbox"/> Evidence of leakage at penetration		<input type="checkbox"/> Needs maintenance	<input type="checkbox"/> N A
Remarks: _____			
4. <b>Extraction Wells Leachate</b>			
<input type="checkbox"/> Properly secured locked	<input type="checkbox"/> Functioning	<input type="checkbox"/> Routinely sampled	<input type="checkbox"/> Good condition
<input type="checkbox"/> Evidence of leakage at penetration		<input type="checkbox"/> Needs maintenance	<input type="checkbox"/> N A

Remarks: _____			
5.	<b>Settlement Monuments</b>	<input type="checkbox"/> Located	<input type="checkbox"/> Routinely surveyed <input type="checkbox"/> N A
Remarks: _____			
<b>E. Gas Collection and Treatment</b>		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N A
1.	<b>Gas Treatment Facilities</b>		
	<input type="checkbox"/> Flaring	<input type="checkbox"/> Thermal destruction	<input type="checkbox"/> Collection for reuse
	<input type="checkbox"/> Good condition	<input type="checkbox"/> Needs maintenance	
Remarks: _____			
2.	<b>Gas Collection Wells, Manifolds and Piping</b>		
	<input type="checkbox"/> Good condition	<input type="checkbox"/> Needs maintenance	
Remarks: _____			
3.	<b>Gas Monitoring Facilities</b> (e.g., gas monitoring of adjacent homes or buildings)		
	<input type="checkbox"/> Good condition	<input type="checkbox"/> Needs maintenance	<input type="checkbox"/> N A
Remarks: _____			
<b>F. Cover Drainage Layer</b>		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N A
1.	<b>Outlet Pipes Inspected</b>	<input type="checkbox"/> Functioning	<input type="checkbox"/> N A
Remarks: _____			
2.	<b>Outlet Rock Inspected</b>	<input type="checkbox"/> Functioning	<input type="checkbox"/> N A
Remarks: _____			
<b>G. Detention/Sedimentation Ponds</b>		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N A
1.	<b>Siltation</b>	Area extent: _____ Depth: _____	<input type="checkbox"/> N A
	<input type="checkbox"/> Siltation not evident		
Remarks: _____			
2.	<b>Erosion</b>	Area extent: _____ Depth: _____	
	<input type="checkbox"/> Erosion not evident		
Remarks: _____			
3.	<b>Outlet Works</b>	<input type="checkbox"/> Functioning	<input type="checkbox"/> N A
Remarks: _____			
4.	<b>Dam</b>	<input type="checkbox"/> Functioning	<input type="checkbox"/> N A
Remarks: _____			
<b>H. Retaining Walls</b>		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N A
1.	<b>Deformations</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Deformation not evident
	Horizontal displacement: _____	Vertical displacement: _____	
	Rotational displacement: _____		
Remarks: _____			
2.	<b>Degradation</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Degradation not evident

Remarks: _____			
<b>I. Perimeter Ditches/Off-Site Discharge</b>		<input checked="" type="checkbox"/> Applicable	<input type="checkbox"/> N A
1. <b>Siltation</b>	<input type="checkbox"/> Location shown on site map	<input checked="" type="checkbox"/> Siltation not evident	
Area extent: _____		Depth: _____	
Remarks: _____			
2. <b>Vegetative Growth</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> N A	
<input checked="" type="checkbox"/> Vegetation does not impede flow			
Area extent: _____		Type: _____	
Remarks: _____			
3. <b>Erosion</b>	<input type="checkbox"/> Location shown on site map	<input checked="" type="checkbox"/> Erosion not evident	
Area extent: _____		Depth: _____	
Remarks: _____			
4. <b>Discharge Structure</b>	<input checked="" type="checkbox"/> Functioning	<input type="checkbox"/> N A	
Remarks: _____			
<b>VIII. VERTICAL BARRIER WALLS</b>		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N A
1. <b>Settlement</b>	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Settlement not evident	
Area extent: _____		Depth: _____	
Remarks: _____			
2. <b>Performance Monitoring</b>	Type of monitoring: _____		
<input type="checkbox"/> Performance not monitored			
Frequency: _____		<input type="checkbox"/> Evidence of breaching	
Head differential: _____			
Remarks: _____			
<b>IX. GROUNDWATER/SURFACE WATER REMEDIES</b>		<input type="checkbox"/> Applicable	<input checked="" type="checkbox"/> N A
<b>A. Groundwater Extraction Wells, Pumps and Pipelines</b>		<input type="checkbox"/> Applicable	<input type="checkbox"/> N A
1. <b>Pumps, Wellhead Plumbing and Electrical</b>			
<input type="checkbox"/> Good condition	<input type="checkbox"/> All required wells properly operating	<input type="checkbox"/> Needs maintenance	<input type="checkbox"/> N A
Remarks: _____			
2. <b>Extraction System Pipelines, Valves, Valve Boxes and Other Appurtenances</b>			
<input type="checkbox"/> Good condition	<input type="checkbox"/> Needs maintenance		
Remarks: _____			
3. <b>Spare Parts and Equipment</b>			
<input type="checkbox"/> Readily available	<input type="checkbox"/> Good condition	<input type="checkbox"/> Requires upgrade	<input type="checkbox"/> Needs to be provided
Remarks: _____			
<b>B. Surface Water Collection Structures, Pumps and Pipelines</b>		<input type="checkbox"/> Applicable	<input type="checkbox"/> N A



<b>1. Collection Structures, Pumps and Electrical</b> <input type="checkbox"/> Good condition <input type="checkbox"/> Needs maintenance Remarks: _____
<b>2. Surface Water Collection System Pipelines, Valves, Valve Boxes and Other Appurtenances</b> <input type="checkbox"/> Good condition <input type="checkbox"/> Needs maintenance Remarks: _____
<b>3. Spare Parts and Equipment</b> <input type="checkbox"/> Readily available <input type="checkbox"/> Good condition <input type="checkbox"/> Requires upgrade <input type="checkbox"/> Needs to be provided Remarks: _____
<b>C. Treatment System</b> <input type="checkbox"/> Applicable <input type="checkbox"/> N A
<b>1. Treatment Train</b> (check components that apply) <input type="checkbox"/> Metals removal <input type="checkbox"/> Oil water separation <input type="checkbox"/> Bioremediation <input type="checkbox"/> Air stripping <input type="checkbox"/> Carbon adsorbers <input type="checkbox"/> Filters: _____ <input type="checkbox"/> Additive (e.g., chelation agent, flocculent): _____ <input type="checkbox"/> Others: _____ <input type="checkbox"/> Good condition <input type="checkbox"/> Needs maintenance <input type="checkbox"/> Sampling ports properly marked and functional <input type="checkbox"/> Sampling maintenance log displayed and up to date <input type="checkbox"/> Equipment properly identified <input type="checkbox"/> Quantity of groundwater treated annually: _____ <input type="checkbox"/> Quantity of surface water treated annually: _____ Remarks: _____
<b>2. Electrical Enclosures and Panels</b> (properly rated and functional) <input type="checkbox"/> N A <input type="checkbox"/> Good condition <input type="checkbox"/> Needs maintenance Remarks: _____
<b>3. Tanks, Vaults, Storage Vessels</b> <input type="checkbox"/> N A <input type="checkbox"/> Good condition <input type="checkbox"/> Proper secondary containment <input type="checkbox"/> Needs maintenance Remarks: _____
<b>4. Discharge Structure and Appurtenances</b> <input type="checkbox"/> N A <input type="checkbox"/> Good condition <input type="checkbox"/> Needs maintenance Remarks: _____
<b>5. Treatment Building(s)</b> <input type="checkbox"/> N A <input type="checkbox"/> Good condition (esp. roof and doorways) <input type="checkbox"/> Needs repair <input type="checkbox"/> Chemicals and equipment properly stored Remarks: _____

<b>6. Monitoring Wells (pump and treatment remedy)</b> <input type="checkbox"/> Properly secured locked <input type="checkbox"/> Functioning <input type="checkbox"/> Routinely sampled <input type="checkbox"/> Good condition <input type="checkbox"/> All required wells located <input type="checkbox"/> Needs maintenance <input type="checkbox"/> N A Remarks: _____			
<b>D. Monitoring Data</b>			
<b>1. Monitoring Data</b> <input type="checkbox"/> Is routinely submitted on time <input type="checkbox"/> Is of acceptable quality			
<b>2. Monitoring Data Suggests:</b> <input type="checkbox"/> Groundwater plume is effectively contained <input type="checkbox"/> Contaminant concentrations are declining			
<b>E. Monitored Natural Attenuation</b>			
<b>1. Monitoring Wells (natural attenuation remedy)</b> <input type="checkbox"/> Properly secured locked <input type="checkbox"/> Functioning <input type="checkbox"/> Routinely sampled <input type="checkbox"/> Good condition <input type="checkbox"/> All required wells located <input type="checkbox"/> Needs maintenance <input type="checkbox"/> N A Remarks: _____			
<b>X. OTHER REMEDIES</b>			
If there are remedies applied at the site and not covered above, attach an inspection sheet describing the physical nature and condition of any facility associated with the remedy. An example would be soil vapor extraction.			
<b>XI. OVERALL OBSERVATIONS</b>			
<b>A. Implementation of the Remedy</b>			
Describe issues and observations relating to whether the remedy is effective and functioning as designed. Begin with a brief statement of what the remedy is designed to accomplish (e.g., to contain contaminant plume, minimize infiltration and gas emissions). <u>The remedy included relocating residents and placing contaminated soil and debris in a 550,000-cubic-yard containment cell. The OU2 groundwater remedy has not yet been implemented.</u>			
<b>B. Adequacy of O&amp;M</b>			
Describe issues and observations related to the implementation and scope of O&M procedures. In particular, discuss their relationship to the current and long-term protectiveness of the remedy. <u>O&amp;M activities, including cap maintenance, are adequate. The leachate collection system is not in use.</u>			
<b>C. Early Indicators of Potential Remedy Problems</b>			
Describe issues and observations such as unexpected changes in the cost or scope of O&M or a high frequency of unscheduled repairs that suggest that the protectiveness of the remedy may be compromised in the future. <u>None</u>			
<b>D. Opportunities for Optimization</b>			
Describe possible opportunities for optimization in monitoring tasks or the operation of the remedy. <u>None</u>			

## APPENDIX F – PRESS NOTICE



Affidavits Requested:

1

L'Tonya Spencer  
EPA-REGION 4/LEGALS  
61 FORSYTH STREET  
U.S. EPA, SUPERFUND/ECEB/ICE  
ATLANTA

U.S. EPA, Superfund/ECEB/ICE

GA 30303

Published Daily-Pensacola, Escambia County, FL

### PROOF OF PUBLICATION

State of Florida  
County of Escambia:

Before the undersigned authority personally appeared Krista Kent, who on oath says that he or she is a Legal Advertising Representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

The U.S. Environmental Pr

as published in said newspaper in the issue(s) of:

01/12/17

Affiant further says that the said Pensacola News Journal is a newspaper in said Escambia County, Florida and that the said newspaper has heretofore been continuously published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 12th of January 2017, by Krista Kent who is personally known to me

Affiant

Mark Dee Kent

Notary Public for the State of Florida

My Commission expires October 27, 2019

Publication Cost: \$390.98  
Ad No: 0001850126  
Customer No: PNJ-26554500

MARK DEE KENT  
Notary Public - State of Florida  
Comm. Expires October 27, 2019  
Comm. No. FF 931266

The U.S. Environmental Protection Agency, Region 4  
Announces the Fourth Five-Year Review for  
The Escambia Wood (Pensacola) Superfund Site,  
Pensacola, Escambia County, Florida

**Purpose/Objective:** The EPA is conducting the fourth Five-Year Review of the remedy for the Escambia Wood (Pensacola) Superfund Site (the Site) in Pensacola, Florida. The purpose of the Five-Year Review is to make sure the selected cleanup actions effectively protect human health and the environment.

**Site Background:** The Site is located in a residential and industrial area in Pensacola, Florida. The Site's surroundings include former residential areas to the north, Palafox Street to the west, a railroad switchyard to the east, and an abandoned concrete plant and a small industrial park to the south. The Site includes about 70 acres of now-vacant lands (former neighborhood areas) and a 26-acre former facility where Escambia Wood Treating Company made treated wood products from 1942 to 1982. The EPA placed the Site on the Superfund program's National Priorities List (NPL) in 1994 because of contaminated groundwater and soil resulting from facility waste handling practices. Primary site contaminants include creosote, pentachlorophenol (PCP), polycyclic aromatic hydrocarbons (PAHs) and dioxins in soil and groundwater.

**Cleanup Actions:** To manage investigations and cleanup activities, EPA designated two operable units (OUs) at the Site. OU1 addresses contaminated soil. OU2 addresses contaminated groundwater.

The EPA selected an interim remedy for OU1 in 1997. It included permanent relocation of 358 households from the Rosewood Terrace subdivision, the Oak Park subdivision, Escambia Arms Apartments and the Goulding subdivision; demolition of abandoned structures in these neighborhoods; implementation of institutional controls prior to transfer of relocation properties from federal ownership; and maintenance of a soil stockpile until implementation of the final remedy.

The final OU1 remedy, selected by the EPA in 2006, included permanent relocation of residents in the Clarinda Triangle neighborhood; excavation of contaminated soil from the former facility area and former residential areas; containment of contaminated soil in a lined cell; installation of a multi-layer cap over the cell; solidification and stabilization of source contamination to form a sub-cap beneath the multi-layer cap; operation and maintenance of the cap and containment system; long-term monitoring of the containment system; institutional controls to restrict future site uses to industrial and commercial uses; and completion of Five-Year Reviews to make sure the cleanup continues to protect people and the environment over the long term.

The final remedy for OU2, selected by EPA in the Site's 2015 ROD Amendment, included steam-enhanced extraction, in-situ chemical oxidation and/or surfactant-enhanced aquifer remediation, in-situ enhanced bioremediation and monitored natural attenuation of groundwater contamination.

**Five-Year Review Schedule** The National Contingency Plan requires review of remedial actions that result in any hazardous substances, pollutants or contaminants remaining at the Site above levels that allow for unlimited use and unrestricted exposure every five years to ensure the protection of human health and the environment. The fourth Five-Year Review for the Site will be completed by September 2017.

**EPA Invites Community Participation in the Five-Year Review Process:** The EPA is conducting this Five-Year Review to evaluate the effectiveness of the Site's remedy and to ensure that the remedy remains protective of human health and the environment. As part of the Five-Year Review process, EPA staff is available to answer any questions about the Site. Community members who have questions about the Site or the Five-Year Review process, or who would like to participate in a community interview, are asked to contact:

Erik Spalvins, EPA Remedial Project Manager  
Phone: (404) 562-8938  
Email: spalvins.erik@epa.gov

L'Tonya Spencer, EPA Community Involvement Coordinator  
Phone: (404) 562-8463 | (800) 554-7577 (toll-free)  
Email: spencer.latonya@epa.gov

Mailing Address: U.S. EPA Region 4, 61 Forsyth Street, S.W., 11th Floor,  
Atlanta, GA 30303-8960

Additional information is available at the Site's local document repository, the West Florida Genealogy Library, located at 5740 North Ninth Avenue, Pensacola, Florida 32504, and online at:

## APPENDIX G – SITE INSPECTION PHOTOS



View of the capped consolidation area



View of the capped consolidation area





Leachate treatment system



Stormwater manhole





Northeast sump connecting to the bottom of the containment cell



CCPMW-001





Site fencing along Hickory Street



Area of the cap that needs additional vegetation



Fenced site equipment



Retention area located southeast of the capped consolidation area





Spillway drainage structure



Entry sign





View down Herman Street in the former Goulding neighborhood; site inspection participants observed tents and people in brush on either side



Tent in the former Goulding neighborhood





Fenced former Clarinda Triangle neighborhood



Former Clarinda Triangle neighborhood



## APPENDIX H – DETAILED ARARs REVIEW TABLES

The 1997 Interim ROD included no cleanup standards or Applicable or Relevant and Appropriate Requirements (ARARs). The 2006 Final ROD identified the federal and state drinking water standards as ARARs, as well as the state's requirements to attain risk-based cleanup levels for carcinogens of  $1 \times 10^{-6}$  and a hazard index of 1 or less for non-carcinogens. The 2012 ESD soil cleanup goals are based on either the FDEP SCTL for direct exposure under commercial/industrial land use or the FDEP leachability based on groundwater criteria SCTL. There have been no changes to the SCTLs in the last five years. However, it appears that the leachability-based SCTL for dioxin was incorrectly recorded in decision documents in the past. The 2012 ESD states that that cleanup goal is 3,000 µg/kg. The correct value is 3 µg/kg. Confirmation sampling indicates no residual dioxin concentrations present above 3 µg/kg; the dioxin cleanup goal should be clarified as needed.

**Table H-1: Detailed ARARs Review**

COC	Direct Exposure Pathway – Direct Exposure Commercial/Industrial SCTL (µg/kg)		ARAR Change	Leaching-Based Groundwater Exposure Pathway – Leachability Based on Groundwater Criteria SCTL (µg/kg)		ARAR Change
	2012 <sup>a</sup>	2017 <sup>b</sup>		2012 <sup>a</sup>	2017 <sup>b</sup>	
Benzo(a)pyrene EQ (cPAHs)	700	700	none	8,000	8,000	none
Dioxin TEQ (2,3,7,8-TCDD)	0.030	0.030	none	3 <sup>c</sup>	3	none
Naphthalene	300,000	300,000	none	1,200	1,200	none
Acenaphthene	20,000,000	20,000,000	none	2,100	2,100	none
Fluorene	33,000,000	33,000,000	none	160,000	160,000	none
Phenanthrene	36,000,000	36,000,000	none	250,000	250,000	none
2-Methylnaphthalene	2,100,000	2,100,000	none	8,500	8,500	none
Dibenzofuran <sup>d</sup>	-	-	-	-	-	-
Carbazole	240,000	240,000	none	200	200	none
Pentachlorophenol	28,000	28,000	none	30	30	none

*Notes:*  
<sup>a</sup> 2012 cleanup goals are from the 2012 OU1 ESD, Table 2.  
<sup>b</sup> SCTLs accessed at [https://www.dep.state.fl.us/waste/quick\\_topics/rules/documents/62-777/62-777\\_TableII\\_SoilCTLs.pdf](https://www.dep.state.fl.us/waste/quick_topics/rules/documents/62-777/62-777_TableII_SoilCTLs.pdf) on 01/05/2017.  
<sup>c</sup> The 2012 ESD stated that the dioxin leachability FDEP SCTL cleanup goal was 3,000 µg/kg. However, the correct SCTL value in 2012 was 3 µg/kg. The 3 µg/kg value was included here for the purposes of the ARARs evaluation.  
<sup>d</sup> Despite its inclusion as a COC, no cleanup goal was selected for dibenzofuran. Therefore, it was not evaluated for ARAR changes.

## APPENDIX I – DATA REVIEW

**Figure I-1: Groundwater Monitoring Results from the May 2017 Annual OU1 O&M Report**

**TABLE 2: GROUNDWATER MONITORING WELL DETECTION ANALYTICAL SUMMARY - PAHs**

Facility ID#: FLD008168346

Facility Name: Escambia Treating Company Superfund Site

Sample		1-Methyl-naphthalene	2,3,4,6-Tetrachlorophenol	2-Methyl-naphthalene	Acenaphthene	Acenaphthylene	Anthracene	Carbazole	Dibenzofuran	Fluorene	Indeno [1,2,3-cd] pyrene	Naphthalene	Pentachlorophenol	Phenanthrene
Location	Date	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)	(ug/L)
CC-PMW-001	4/30/2013	NS	NS	5.1 U	5.1 U	5.1 U	5.1 U	5.1 U	5.1 U	5.1 U	NS	5.1 U	25 U	5.1 U
CC-PMW-002	4/30/2013	NS	NS	8.1	11	5.1 U	5.1 U	3.8 J	7.6	6.6	NS	<b>28</b>	25 U	2.8 J
CC-PMW-001	11/7/2014	0.50 U	0.64 U	0.54 U	0.46 U	0.56 U	0.42 U	0.87 U	0.52 U	0.56 U	1.0 U	0.63 U	1.8 U	0.41 U
CC-PMW-002	11/7/2014	<b>110</b>	30 I	<b>200</b>	<b>140</b>	3.2 I	2.6 I	<b>100</b>	<b>100</b>	92	84	<b>1300</b>	<b>160</b>	58
CC-PMW-001	6/25/2015	NS	NS	0.54 U	0.46 U	0.56 U	0.42 U	0.87 U	0.52 U	0.56 U	NS	0.63 U	1.8 U	0.41 U
CC-PMW-002	6/25/2015	NS	NS	1.2 I	0.46 U	0.56 U	0.42 U	2.3 I	0.96 I	1.2 I	NS	1.3 I	5.9 I	0.41 U
CC-PMW-001	11/12/2015	NS	NS	0.54 U	0.46 U	0.56 U	0.42 U	0.87 U	0.52 U	0.56 U	1.0 U	0.63 U	1.8 U	0.41 U
CC-PMW-002	11/12/2015	NS	NS	0.54 U	0.46 U	0.56 U	0.42 U	0.87 U	0.52 U	0.56 U	1.0 U	0.63 U	1.8 U	0.41 U
MW37S	11/3/2015	2.1 U	10 U	2.1 U	2.1 U	2.1 U	2.1 U	1.9 U	2.1 U	2.1 U	NS	2.1 U	1.0 U	2.1 U
CC-PMW-001	11/5/2016	NS	NS	2.2 U	1.8 U	2.2 U	1.7 U	3.5 U	2.1 U	2.2 U	4.1 UJ	2.5 U	7.2 U	1.6 U
CC-PMW-002	11/5/2016	NS	NS	2.2 U	1.8 U	2.2 U	1.7 U	3.5 U	2.1 U	2.2 U	4.1 U	2.5 U	7.2 U	1.6 U
MW37S	11/5/2016	NS	NS	2.2 U	1.8 U	2.2 U	1.7 U	3.5 U	2.1 U	2.2 U	4.1 UJ	2.5 U	7.2 U	1.6 U
GCTLs		28	NA	28	20	210	2100	1.8	28	280	NA	14	1	210
NADCs		280	NA	280	200	2100	21000	180	280	2800	NA	140	1	2100

**Notes:**

ug/L = micrograms per liter

GCTLs = Groundwater Cleanup Target Levels specified in F.A.C. Table I of Chapter 62-777, F.A.C.

NADCs = Natural Attenuation Default Source Concentrations specified in F.A.C. Table I of Chapter 62-777, F.A.C.

NS = Not Sampled

**Bold** = Exceeds GCTL Limit

NA = Not Available

**Qualifier**

**Qualifier Description**

**U**

Indicates that the compound was analyzed for but not detected.

**I**



The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.

**J**

Estimated value < PQL and ≥ MDL

**Figure I-2: Groundwater Elevation Monitoring Results from the May 2017 Annual OU1 O&M Report**

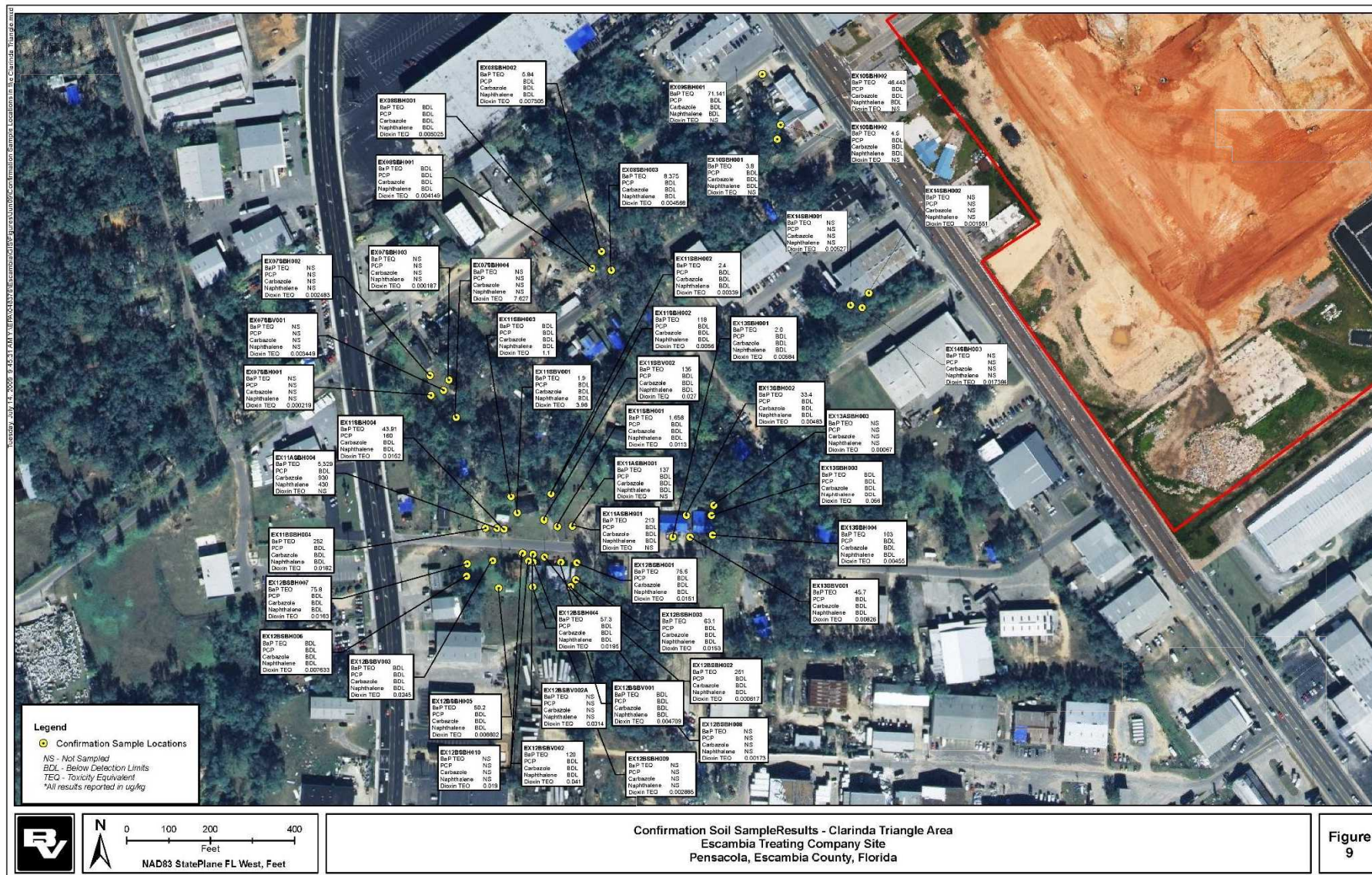
Monitoring Well	Date	Ground Elevation or TOC (flush mount)	Well Riser Height	Depth to Water	Water Table Elevation	Bottom of Soil Cell Elevation	Distance from bottom of soil cell to water table
CC-PMW-001	2/20/14	89.9	3.2	46.38	46.7	55.0	8.3
CC-PMW-002	2/20/14	84.7	2.8	42.28	45.2	55.0	9.8
CC-PMW-001	5/5/14	89.9	3.2	40.88	52.2	55.0	2.8
CC-PMW-002	5/5/14	84.7	2.8	27.55	59.9	55.0	-4.9
CC-PMW-001	6/6/14	89.9	3.2	36.92	56.1	55.0	-1.1
CC-PMW-002	6/6/14	84.7	2.8	32.75	54.7	55.0	0.3
CC-PMW-001	8/22/14	89.9	3.2	38.27	54.8	55.0	0.2
CC-PMW-002	8/22/14	84.7	2.8	34.3	53.2	55.0	1.8
CC-PMW-001	11/7/14	89.9	3.2	40.22	52.8	55.0	2.2
CC-PMW-002	11/7/14	84.7	2.8	36.3	51.2	55.0	3.8
CC-PMW-001	2/12/15	89.9	3.2	42.72	50.3	55.0	4.7
CC-PMW-002	2/12/15	84.7	2.8	38.55	48.9	55.0	6.1
CC-PMW-001	5/1/15	89.9	3.2	43.35	49.7	55.0	5.3
CC-PMW-002	5/1/15	84.7	2.8	38.62	48.8	55.0	6.2
CC-PMW-001	8/20/15	89.9	3.2	44.70	48.4	55.0	6.6
CC-PMW-002	8/20/15	84.7	2.8	40.42	47.0	55.0	8.0
CC-PMW-001	11/12/15	89.9	3.2	44.84	48.2	55.0	6.8
CC-PMW-002	11/12/15	84.7	2.8	39.56	47.9	55.0	7.1
CC-PMW-001	5/2/16	89.9	3.2	42.86	50.2	55.0	4.8
CC-PMW-002	5/2/16	84.7	2.8	38.63	48.8	55.0	6.2
CC-PMW-001	11/5/16	89.9	3.2	43.76	49.3	55.0	5.7
CC-PMW-002	11/5/16	84.7	2.8	39.77	47.7	55.0	7.3
MW37	11/5/16	85.69	NA	37.74	47.95	55.0	7.1
CC-PMW-001	5/9/2017	89.9	3.2	44.61	48.5	55.0	6.6
CC-PMW-002	5/9/2017	84.7	2.8	40.72	46.7	55.0	8.3
MW-37	5/9/2017	85.69	85.69	38.68	47.01	55.0	8.0

 <5 feet separation between bottom of OU-1 soil cell and water table  
 >5 feet separation between bottom of OU-1 soil cell and water table



# APPENDIX J – CLARINDA TRIANGLE CONFIRMATION SAMPLING MAP

**Figure J-1: Figure 9 of 2010 Remedial Action Report**



## APPENDIX K – INTERVIEW FORMS

### Escambia Wood - Pensacola Superfund Five-Year Review Interview Form Site

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Site Name:	<u>Escambia Wood - Pensacola</u>	EPA ID No.:	<u>FLD008168346</u>
Interviewer Name:	<u>Johnny Zimmerman-Ward</u>	Affiliation:	<u>Skeo</u>
Subject Name:	<u>Erik Spalvins</u>	Affiliation:	<u>EPA Remedial Project Manager</u>
Subject Contact Information:			
Time:	<u>3:37 p.m.</u>	Date:	<u>02-01-2017</u>
Interview Location:	<u>EPA Office</u>		
Interview Format (circle one):	<u>In Person</u>	Phone	Mail Other: Email

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**Interview Category:** Remedial Project Manager

1. What is your overall impression of the project, including cleanup, maintenance and reuse activities (as appropriate)?

The Escambia Treating Company soil OU1 cleanup is complete and the site is ready for reuse. Operations and Maintenance is being conducted by the State of Florida. The EPA is ready for the State to accept the EPA-acquired property or to appoint a local government to accept the property.

2. What have been the effects of this Site on the surrounding community, if any?

The site posed environmental and health hazards prior to the cleanup. The cleanup of the site resulted in millions of dollars of local economic activity.

3. Are you aware of any complaints or inquiries regarding site-related environmental issues or remedial activities since the implementation of the cleanup?

The neighboring property owners sometimes complain about homeless people living in the woods on and around the site. There are also concerns about the vegetation growing around neighboring property. These concerns are forwarded to FDEP, which is responsible for O&M and for enforcing the institutional controls.

4. What is your assessment of the current performance of the remedy in place at the Site?

The interim remedy of relocation and the final remedy of placing contaminated soil in an onsite containment cell are both functioning as designed and are protective of human health and the environment.

5. Are you comfortable with the status of the institutional controls at the Site? If not, what are the associated outstanding issues?

ICs are needed on the former facility parcels, which are owned by the City of Pensacola, Alvin Boston, and SCS Investments.

The State is responsible for enforcing restrictions against camping and residential use.

6. Are you aware of any community concerns regarding the Site or the operation and management of its remedy? If so, please provide details.

Based on my conversations in the community, the local and state government are concerned about taking ownership of the EPA-acquired properties because there is not a specific redevelopment opportunity for the property. Some residents do not know that the cleanup is finished and that the site is ready for redevelopment.

7. Do you have any comments, suggestions or recommendations regarding the management or operation of the Site's remedy?

The State of Florida should take ownership of the EPA-owned property, since the EPA has no further authority to expend funds on the soil remedy.



**Site Name:** Escambia Wood - Pensacola **EPA ID No.:** FLD008168346

**Interviewer Name:** Johnny Zimmerman-Ward **Affiliation:** Skeo

**Subject Name:** Jeff Day **Affiliation:** SCMC LLC

**Subject Contact**

**Information:**

**Time:** **Date:** 01/17/2017

**Interview**

**Location:**

**Interview Format (circle one):** In Person Phone Mail Other: Email

**Interview Category:** O&M Contractor

1. What is your overall impression of the project, including cleanup, maintenance and reuse activities (as appropriate)?

The soil remedy is protective of human health and makes reuse of the site possible. The O&M for OU1 has been conducted in accordance with the approved O&M Plan.

2. What is your assessment of the current performance of the remedy in place at the Site?

The remedy is functioning as intended. There have been only minor erosion issues which have been addressed by installation of a spillway on the SE corner of the soil cell and placement of topsoil grass seed on the SW slope of the soil cell. The soil cell is fairly well vegetated. No ponding of water or subsidence of the soil cell has been observed during the past 3.5 years of inspections. The subsurface drainage of the soil cell has been inspected at the frequency prescribed in the O&M plan. No sedimentation or substantial blockages have been observed in the subsurface drainage manholes. Concrete sumps housing leachate recovery plumbing and pumps capture rainwater during periods of high rainfall.

3. What are the findings from the monitoring data? What are the key trends in contaminant levels that are being documented over time at the Site?

The only monitoring data the we collect is from monitoring wells east and west of the soil cell. One sample event in 2014 showed groundwater impacts above Florida GCTLs; however, this was attributed to 25 inches of rain in on day (late April 2014) which filled the SWMU10 excavation.

4. Is there a continuous on-site O&M presence? If so, please describe staff responsibilities and activities. Alternatively, please describe staff responsibilities and the frequency of site inspections and activities if there is not a continuous on-site O&M presence.

There is not a continuous onsite presence. Site visits include – 5 mowing events during the growing season, 2 semi-annual site security inspections, annual groundwater sampling of 3 monitor wells, 2 semi-annual stormwater inspections, and 2 optional stormwater inspections if the site received rainfall exceeding 4 inches in a 24 hour period.

5. Have there been any significant changes in site O&M requirements, maintenance schedules or sampling routines since start-up or in the last five years? If so, do they affect the protectiveness or effectiveness of the remedy? Please describe changes and impacts.

No, the only change in frequencies were to go from quarterly to semi-annual stormwater and security inspections after the first year of O&M. This was as prescribed by the O&M plan.

6. Have there been unexpected O&M difficulties or costs at the Site since start-up or in the last five years? If so, please provide details.

No.

7. Have there been opportunities to optimize O&M activities or sampling efforts? Please describe changes and any resulting or desired cost savings or improved efficiencies.

No.

8. Do you have any comments, suggestions or recommendations regarding O&M activities and schedules at the Site?

Address collection of rainwater in leachate recovery sumps by constructing a 2 inch diameter drain hole within the floor of the concrete sump.

9. Do you consent to have your name included along with your responses to this questionnaire in the FYR report?

Yes.

## Escambia Wood - Pensacola Superfund Five-Year Review Interview Form Site

Site Name: Escambia Wood - Pensacola EPA ID No.: FLD008168346

Interviewer Name: Glenn Griffith Affiliation: Escambia County

Subject Name: Affiliation:

Subject Contact gcgriffi@myescambia.com 850-595-3538

Information:

Time: 10:00 A.M. Date: 2/28/2017

Interview Escambia County BCC Office

Location:

Interview Format (circle one): In Person Phone Mail Other: Other

Interview Category: Local Government

1. Are you aware of the former environmental issues at the Site and the cleanup activities that have taken place to date?  
Yes
2. Do you feel well-informed regarding the Site's activities and remedial progress? If not, how might EPA convey site-related information in the future?  
Yes
3. Have there been any problems with unusual or unexpected activities at the Site, such as emergency response, vandalism or trespassing?  
There has been a long history of illegal dumping of trash and spent tires. The fencing has been breach in numerous places.
4. Are you aware of any changes to state laws or local regulations that might affect the protectiveness of the Site's remedy?  
No
5. Are you aware of any changes in projected land use(s) at the Site?  
No
6. Has EPA kept involved parties and surrounding neighbors informed of activities at the Site? How can EPA best provide site-related information in the future?  
Yes
7. Do you have any comments, suggestions or recommendations regarding the project?  
No
8. Do you consent to have your name included along with your responses to this questionnaire in the FYR report?  
Yes

**Escambia Wood - Pensacola Superfund Five-Year Review Interview Form Site**

Site Name: Escambia Wood - Pensacola

EPA ID No.: FLD008168346

Interviewer Name:

Subject Name: Keith Wilkins

Subject Contact

Information:

Time:

Interview

Location:

Affiliation:

Affiliation: City of Pensacola

Date: 2-2-17

Interview Format (circle one): In Person Phone Mail Other: Email

Interview Category: Local Government

1. Are you aware of the former environmental issues at the Site and the cleanup activities that have taken place to date? Yes
2. Do you feel well-informed regarding the Site's activities and remedial progress? If not, how might EPA convey site-related information in the future? Yes but locally, I have been driving the project which does not represent the general populations awareness.
3. Have there been any problems with unusual or unexpected activities at the Site, such as emergency response, vandalism or trespassing? Trespass, vagrants, Ebay property sale, tax lien
4. Are you aware of any changes to state laws or local regulations that might affect the protectiveness of the Site's remedy? No the state drove a more protective remedy.
5. Are you aware of any changes in projected land use(s) at the Site? Yes, the occupation of one parcel by the owner camping on the site.
6. Has EPA kept involved parties and surrounding neighbors informed of activities at the Site? How can EPA best provide site-related information in the future? Yes
7. Do you have any comments, suggestions or recommendations regarding the project? Yes, file the tax lien, should have taken title to all the properties, should not have negotiated away the PRP responsibility and should have been more receptive
8. Do you consent to have your name included along with your responses to this questionnaire in the FYR report? Yes

\* and proactive on off site contamination and clean up. It took years/decade to convince and take action.

**Escambia Wood - Pensacola Superfund Five-Year Review Interview Form Site**

**Site Name:** Escambia Wood - Pensacola **EPA ID No.:** FLD008168346

**Interviewer Name:** Ana Vargas **Affiliation:** Skeo

**Subject Name:** Real Estate agent **Affiliation:**  
representing an  
adjacent landowner

**Time:** 11:00 AM PST **Date:** 2-20-2017

**Interview**

**Location:** Phone

**Interview Format (circle one):** In Person Phone Mail Other:

**Interview Category:** Residents

1. Are you aware of the former environmental issues at the Site and the cleanup activities that have taken place to date?

No.

2. What is your overall impression of the project, including cleanup, maintenance and reuse activities (as appropriate)?

I don't know anything about it. I know where the Site is located but I don't know anything about it.

3. What have been the effects of this Site on the surrounding community, if any?

I don't really know. I am sure that it had a tremendous effect on the surrounding community. I know they had to buy back houses and move some people out.

4. Have there been any problems with unusual or unexpected activities at the Site, such as emergency response, vandalism or trespassing?

Not that I know of.

5. Has EPA kept involved parties and surrounding neighbors informed of activities at the Site? How can EPA best provide site-related information in the future?

1. I don't have a clue.
2. Put it in the newspaper.

6. Do you own a private well in addition to or instead of accessing city municipal water supplies? If so, for what purpose(s) is your private well used?

N A

7. Do you have any comments, suggestions or recommendations regarding any aspects of the project?

My client wanted more information to purchase the property on the Site. My client decided it was too complicated with regards to who owns the land.



## APPENDIX L – INSTITUTIONAL CONTROLS

This instrument prepared by:

Stacey A. Haire, Attorney-Advisor  
Office of Environmental Accountability  
U.S Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

Pam Childers  
CLERK OF THE CIRCUIT COURT  
ESCAMBIA COUNTY FLORIDA  
INST# 2014029869 05/01/2014 at 09:21 AM  
OFF REC BK: 7164 PG: 358 - 388 Doc Type: DECL  
RECORDING: \$265.00

### DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (hereinafter "Declaration") is given this 2 day of April, 2013, by the United States ("Grantor"), by and through the U.S. Environmental Protection Agency, Facilities Management and Services Division, whose address is Office of Administration, Ariel Rios Building, 1200 Pennsylvania Avenue N.W., Washington, D.C., 20460, to the State of Florida Department of Environmental Protection (hereinafter "FDEP" or "Grantee").

### RECITALS

- A. **WHEREAS**, Grantor is the fee simple owner of several parcels of land situated in the County of Escambia, State of Florida, which include portions of the **neighborhoods formerly known as Oak Park, Escambia Arms, Clarinda Triangle, and Herman & Pearl**, and more particularly described in *Exhibit A* attached hereto and made a part hereof (hereinafter the "Property");
- B. **WHEREAS**, The Property subject to this restrictive covenant is a portion of the properties known as the Escambia Wood Treating Company Superfund Site ("Site"), which the U.S. Environmental Protection Agency ("EPA") placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on December 16, 1994, at 59 Fed. Reg. 65206, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605.
- C. **WHEREAS**, in an Interim Record of Decision dated February 12, 1997 (the "Interim ROD"), a Record of Decision dated September 25, 2002 (the "ROD for OU1"), and a Record of Decision dated September 29, 2008 (the "ROD for OU2"), the EPA Region 4 Regional Administrator selected "remedial actions" for the Site.
- D. **WHEREAS**, the remedial actions selected pursuant to the Interim ROD, which addressed relocation, and the ROD for OU1, which addressed remediation of the soil, have been performed on the Property.
- E. **WHEREAS**, contaminants in excess of allowable concentrations for unrestricted use remain at the Property after completion of the remedial action for OU1.



- F. **WHEREAS**, it is the intent of the restrictions in this declaration to reduce or eliminate the risk of exposure of the contaminants to the environment and to users or occupants of the property and to reduce or eliminate the threat of migration of the contaminants.
- G. **WHEREAS**, it is the intention of all parties that EPA is a third party beneficiary of said restrictions and said restrictions shall be enforceable by the EPA, FDEP, and their successor agencies.
- H. **WHEREAS**, the parties hereto have agreed: (1) to impose on the Property use restrictions as covenants that will run with the land for the purpose of protecting human health and the environment; and (2) to grant an irrevocable right of access over the Property to the Grantee and its agents or representatives for purposes of implementing, facilitating, and monitoring the remedial action; and
- I. **WHEREAS**, Grantor deems its desirable and in the best interest of all present and future owners of the Property that the Property be held subject to certain restrictions and changes, that will run with the land, for the purpose of protecting human health and the environment, all of which are more particularly hereinafter set forth.

**NOW THEREFORE**, Grantor, on behalf of itself and its successors and assigns, in consideration of the recitals above, the terms of the Records of Decision, and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, does hereby covenant and declare that the Property shall be subject to the restrictions on use set forth below, which shall touch and concern and run with the title of the property, and does give, grant, and convey to the Grantee, and its assigns: (1) a use restriction and site access covenant of the nature and character, and for the purposes hereinafter set forth; and (2) the perpetual right to enforce said covenants and use restrictions, with respect to the Property. Grantor further agrees as follows:

- A. The foregoing recitals are true and correct and are incorporated herein by reference.
- B. Grantor hereby imposes on the Property the following restrictions:
  - 1. **Restrictions on Use:** The Property shall be used solely for commercial, industrial, or manufacturing purposes, except that the Property shall not be used for any business involving temporary or permanent housing of individuals. The following uses are forbidden unless FDEP grants prior approval in accordance with Paragraph 3 of this Declaration:
    - a. The Property shall not be used for residential purposes, including mobile homes, hotels, motels, apartments, dormitories, campgrounds, group homes, retirement communities, or temporary shelters.

- b. The property shall not be used for day care centers, kindergartens, or elementary or secondary schools.
  - c. The property shall not be used for playgrounds, athletic fields, or camps.
  - d. The property shall not be used for mining or agricultural purposes, including community gardens and forestry.
2. **Irrevocable Covenant for Site Access:** Grantor hereby grants to the Grantee, its agents and representatives, an irrevocable, permanent and continuing right of access at all reasonable times to the Property for purposes of:
- a. Verifying any data or information submitted to EPA and Grantee;
  - b. Verifying that no action is being taken on the Property in violation of the terms of this instrument or of any federal or state environmental laws or regulations;
  - c. Monitoring response actions on the Site and conducting investigations relating to contamination on or near the Site, including, without limitation, sampling of air, water, sediments, soils, and specifically, without limitation, obtaining split or duplicate samples; and
  - d. Conducting periodic reviews of the remedial action, including but not limited to, reviews required by applicable statutes and/or regulations.
3. **Modification:** This Declaration shall not be modified, amended, or terminated without the written consent of FDEP or its successor agency. FDEP shall not consent to any such modification, amendment, or termination without the written consent of EPA.
4. **Reserved Rights:**
- a. **Reserved Rights of Grantor:** Grantor hereby reserves unto itself, its successors and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions, rights, and covenants granted herein.
  - b. **Reserved Rights of EPA:** Nothing in this document shall limit or otherwise affect EPA's rights of entry and access or EPA's authority to take response actions under CERCLA, the NCP, or other federal law. **EPA expressly maintains its full authority to conduct response actions at and obtain access to the Property under Section 104 of CERCLA and its attendant regulations.**
  - c. **Reserved Rights of Grantee:** Nothing in this document shall limit or otherwise affect Grantee's rights of entry and access or authority to act under state or federal law.

5. **Notice Requirement:** Grantor agrees to include in any instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases and mortgages, a notice which is in substantially the following form:

**NOTICE: THE INTEREST CONVEYED HEREBY IS  
SUBJECT TO A DECLARATION OF RESTRICTIVE  
COVENANTS, DATED \_\_\_\_\_, 201\_\_, RECORDED  
IN THE PUBLIC LAND RECORDS OF ESCAMBIA  
COUNTY, FLORIDA, ON \_\_\_\_\_, 201\_\_, IN BOOK  
\_\_\_\_\_, PAGE \_\_\_\_\_, IN FAVOR OF, AND  
ENFORCEABLE BY, THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

Within thirty (30) days of the date any such instrument of conveyance is executed, Grantor must provide Grantee and EPA with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

6. **Administrative Jurisdiction:** FDEP or any successor state agency having administrative jurisdiction over the interests acquired by the State of Florida by this instrument is the Grantee. EPA is a third party beneficiary to the interests acquired by Grantee.
7. **Enforcement:** The Grantee shall be entitled to enforce the terms of this instrument by resort to specific performance or legal process. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. It is expressly agreed that EPA is not the recipient of a real property interest but is a third party beneficiary of the Declaration of Restrictive Covenants, and as such, has the right of enforcement. Enforcement of the terms of this instrument shall be at the discretion of the entities listed above, and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by the Grantee of such term or of any subsequent breach of the same or any other term, or of any of the rights of the Grantee under this instrument.
8. **Damages:** Grantee shall be entitled to recover damages for violations of the terms of this instrument, or for any harm to the remedial action, to the public or to the environment protected by this instrument, due to a violation of this instrument.
9. **Waiver of Certain Defenses:** Grantor hereby waives any defense of laches, estoppel, or prescription.
10. **Covenants:** Grantor hereby covenants to and with the Grantee, that the Grantor is lawfully seized in fee simple of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein, that the Property is free and clear of encumbrances, except those noted on *Exhibit B* attached hereto.

11. **Notices:** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, referring to the Site name and Site ID number (04GS), and addressed as follows:

To Grantor:

Chief, Superfund Remedial Section C  
Superfund Division  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303

To Grantee:

Bureau Chief, Waste Cleanup  
FDEP M.S. 4505  
2600 Blair Stone Road  
Tallahassee, FL 32399

12. **Recording in Land Records:** Grantor shall record this Declaration of Restrictive Covenants in timely fashion in the Official Records of Escambia County, Florida, with no encumbrances other than those noted in *Exhibit B*, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this document in the public records.

13. **General Provisions:**

- a. **Controlling Law:** The interpretation and performance of this instrument shall be governed by the laws of the United States or, if there are no applicable federal laws, by the law of the State of Florida, where the Property is located.
- b. **Liberal Construction:** Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the grant to effectuate the purpose of this instrument and the policy and purpose of CERCLA. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c. **Severability:** If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d. **Entire Agreement:** This instrument sets forth the entire agreement of the parties with respect to rights and restrictions created hereby and supersedes all prior discussions, negotiations, understandings, or agreements relating thereto, all of which are merged herein.
- e. **No Forfeiture:** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

- f. Successors: The term "Grantor", wherever used herein, and any pronouns used in place thereof, shall include the entities named at the beginning of this document, identified as "Grantor" and their successors, and assigns. The term "Grantee", wherever used herein, and any pronouns used in place thereof, shall include the entity named at the beginning of this document, identified as "Grantee" and its successors, and assigns. The rights of the Grantee and Grantor under this instrument are freely assignable, subject to the notice provisions hereof.
- g. Captions: The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
- h. Counterparts: The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

**TO HAVE AND TO HOLD** unto the State of Florida Department of Environmental Protection and its successors and assigns forever.

**IN WITNESS WHEREOF**, Grantor has caused this Agreement to be signed in its name.

Executed this 2 day of April, 2013.

GRANTOR:

Yvette M. Jackson  
Bridget C. Shea, Director  
Facilities Management and Services Division  
Office of Administration  
Office of Administration and Resources Management  
U.S. Environmental Protection Agency

Signed, sealed and delivered in the presence of:

<u>[Signature]</u> Witness	<u>RAYMOND D. JACSON</u> Print Name	<u>April 2, 2013</u> Date
<u>[Signature]</u> Witness	<u>Raynaldo Daniels</u> Print Name	<u>April 2, 2013</u> Date

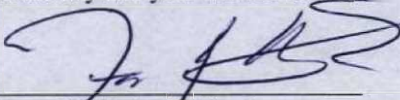


Kette M. Jackson

**DISTRICT OF COLUMBIA**

On this 2<sup>nd</sup> day of APRIL, 2013, before me, the undersigned, a Notary Public in and for the State of Florida, duly commissioned and sworn, personally appeared ~~Bridget C. Shea~~ <sup>Acting</sup> known to be the **Director of the Facilities Management and Services Division of the Office of Administration**, Office of Administration and Resources Management, U.S. Environmental Protection Agency, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

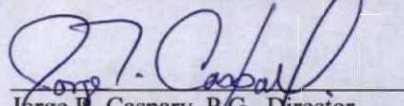
Witness my hand and official seal hereto affixed the day and year written above.

  
Notary Public in and for the  
District of ~~COLUMBIA~~ **FRANCIS P. BONDS**  
**NOTARY PUBLIC, DISTRICT OF COLUMBIA**  
My Commission Expires: 9/30/16  
My Commission Expires:



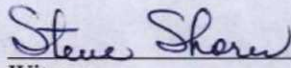
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

By:

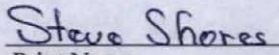


Jorge R. Caspary, P.G., Director  
Division of Waste Management  
Florida Department of Environmental Protection

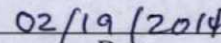
Signed, sealed and delivered in the presence of:



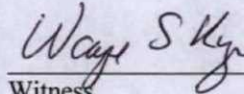
Witness



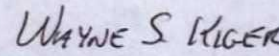
Print Name



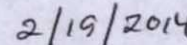
Date



Witness



Print Name

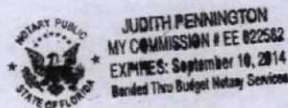


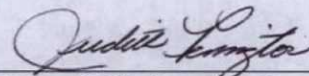
Date

STATE OF FLORIDA  
COUNTY OF LEON

On this 19<sup>th</sup> day of FEBRUARY, 2014, before me, the undersigned, a Notary Public in and for the State of Florida, duly commissioned and sworn, personally appeared **Jorge R. Caspary**, known to be the **Director of the Division of Waste Management, Florida Department of Environmental Protection**, the State Agency that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Agency, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

Witness my hand and official seal hereto affixed the day and year written above.





Notary Public in and for the  
State of Florida

My Commission Expires: SEPTEMBER 10, 2014



***Exhibit A***

**LEGAL DESCRIPTION**

(Neighborhoods Formerly Known as Oak Park, Escambia Arms,  
Clarinda Triangle and Herman & Pearl)

**Parcel 1**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of Lots 1-6 of Oak Park Subdivision, a subdivision of a portion of said Section 8 and Section 47, Township 1 South, Range 30 West, according to the plat of said subdivision thereof recorded in Plat Book 3, Page 93, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 1.21 acres, more or less, and being all of Tracts 201, 202, 203, 204 and 206 of the Escambia Treating Company Superfund Site Project.

AND

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, and Section 47, Township 1 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of Lots 7-25 and Lot 36 of Oak Park Subdivision, a subdivision of a portion of said Section 8 and Section 47, Township 1 South, Range 30 West, according to the plat of said subdivision thereof recorded in Plat Book 3, Page 93, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 4.20 acres, more or less, and being all of Tracts 207, 208, 209, 211, 212, 213, 214, 216, 217, 218, 219, 221, 222, 223, 224, 226, 227, 228 and 229 of the Escambia Treating Company Superfund Site Project.

AND

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point where the south line of Lot 7 of the Brainard and McIntyre Subdivision of said Section 8 intersects the easterly right-of-way line of the Pensacola to Flomaton paved highway (U.S. Highway No. 29/FL. State Rd. No. 95);

Thence Northwesterly along the easterly right-of-way line of said highway, a distance of 289 feet;

Thence N 51° 37' E at right angles to said highway right-of-way line, a distance of 200 feet;

Thence S 38° 23' E a distance of 25 feet;

Thence N 51° 37' E a distance of 250 feet to the **POINT OF BEGINNING**;

Thence N 38° 23' W a distance of 775.68 feet, more or less, to the southeastern right-of-way line of Beggs Lane;

Thence Northeasterly, at a right angle, along the southeastern right-of-way line of said Beggs Lane a distance of 400 feet;

Thence Southeasterly, at a right angle, a distance of 100 feet;

Thence N 51° 37' E a distance of 360.84 feet to the north line of said Section 8;

Thence East along the north line of said section a distance of 127.2 feet;

Thence S 00° 03' E a distance of 591.93 feet;

Thence N 59° 57' E a distance of 6.3 feet;

Thence S 38° 23' E a distance of 345.0 feet, more or less, to a point on the northern right-of-way line of Hickory Street;

Thence S 51° 37' W along the northern right-of-way line of said street, a distance of 500 feet;

Thence N 38° 23' W a distance of 214 feet, more or less, to the point of beginning.

Containing 13.58 acres, more or less, and being all of Tracts 243, 244, 246, 247 and 248 of the Escambia Treating Company Superfund Site Project.

Containing a net total of 18.99 acres, more or less.

#### **Parcel 2**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being;

All of Lots 26, 27 and 28 of Oak Park Subdivision, a subdivision of a portion of said Section 8 and Section 47, Township 1 South, Range 30 West, according to the plat of said subdivision thereof recorded in Plat Book 3, Page 93, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 0.54 of an acre, more or less, and being all of Tracts 231, 232 and 233 of the Escambia Treating Company Superfund Site Project.

**Parcel 3**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, and Section 47, Township 1 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of Lots 29-34 of Oak Park Subdivision, a subdivision of a portion of said Section 8 and Section 47, Township 1 South, Range 30 West, according to the plat of said subdivision thereof recorded in Plat Book 3, Page 93, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 0.54 of an acre, more or less, and being all of Tracts 234, 236, 237, 238, 239, 241 and 242 of the Escambia Treating Company Superfund Site Project.

AND

All that tract or parcel of land lying and being in Sections 47 and 48, Township 1 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point at the northwest corner of Oak Park Subdivision, according to the plat of said subdivision thereof recorded in Plat Book 3, page 93, of the records in the office of the Clerk of the Circuit Court of Escambia County;

Thence Easterly along the north line of said subdivision a distance of 245.15 feet to the **POINT OF BEGINNING;**

Thence continue Easterly along the same course a distance of 150.00 feet, to a point at the southwest corner of a parcel of land described in Deed Book 554, page 134 of said records;

Thence Northerly and at a right angle to the line last traversed a distance of 250 feet, more or less, to a point on the northerly line of the property described as Parcel 5 in a final decree rendered in the Circuit Court of Escambia County dated 30 November 1961, wherein Ada Mae Wood, et al, were plaintiffs and William Johnson, et al, were defendants;

Thence Westerly  $83^{\circ} 14'$  to the left a distance of 140 feet, more or less, to an intersection with a line Northerly from the point of beginning and perpendicular to the north line of said Oak Park Subdivision;

Thence Southerly a distance of 270 feet, more or less, to the point of beginning.

Containing 0.87 of an acre, more or less, and being all of Tract 259 of the Escambia Treating Company Superfund Site Project.

Containing a net total of 1.41 acres, more or less.

#### **Parcel 4**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point where the west line of Lot 7 of the Brainard and McIntyre Subdivision of said Section 8 intersects the easterly right-of-way line of the Pensacola to Flomaton paved highway (U.S. Highway No. 29/FL. State Rd. No. 95);

Thence Southeasterly along the eastern right-of-way line of said highway a distance of 50 feet;

Thence Northeasterly and at a right angle to said highway right-of-way line a distance of 200 feet to the **POINT OF BEGINNING**;

Thence continue Northeasterly along the line last traversed a distance of 200 feet;

Thence at a right angle in a Southeasterly direction a distance of 375.67 feet;

Thence at a right angle in a Southwesterly direction a distance of 200 feet;

Thence at a right angle in a Northwesterly direction a distance of 375.67 feet, more or less, to the point of beginning.

Containing 1.73 of an acre, more or less, and being all of Tracts 253, 254, 256 and 257 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 5**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:



Commencing at a point on the north line of said Section 8 where it intersects the easterly right-of-way line of the Pensacola to Flomaton paved highway (U.S. Highway No. 29/FL. State Rd. No. 95);

Thence East along the north line of said section a distance of 361.85 feet to a stone at the northwest corner of Lot 7 of the Brainard and McIntyre Subdivision of said Section 8;

Thence continue East along the north line of said section a distance of 0.9 feet to a pipe;

Thence continue East along the north line of said section a distance of 64.2 feet to a pipe and the **POINT OF BEGINNING**;

Thence continue East along the north line of said section a distance of 513 feet;

Thence S 38° 47' E a distance of 139.95 feet;

Thence S 51° 13' W a distance of 400 feet;

Thence N 38° 47' W a distance of 462.33 feet, more or less, to the point of beginning.

Containing 2.77 acres, more or less, and being all of Tracts 249, 251 and 252 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 6**

All that tract or parcel of land lying and being in Section 5, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of Lots 66-86, of Hermann's Subdivision of Lots 2, 3, 4, 5, and 6 of said Section 5, according to the plat of said subdivision thereof recorded in Deed Book 18, Page 449, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 5.00 acres, more or less, and being all of Tracts 301, 302, 303, 304, 306, 307, 308, 309, 311, 312, 313, 314, 316, 317, 318, 319, 321, 322 and 323 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 7**

All that tract or parcel of land lying and being in Section 5, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of Lots 30-32, Lots 39-44, Lots 48-61, and Lot 87 of Hermann's Subdivision of Lots 2, 3, 4, 5, and 6 of said Section 5, according to the plat of said subdivision thereof recorded in Deed

Book 18, Page 449, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

AND

All that portion of Short Street described as follows:

Beginning at a point which is at the northeast corner of Lot 32 of said subdivision and on the southern right-of-way line of Herman Avenue;

Thence Northeasterly along the southern right-of-way line of said Herman Avenue a distance of 30 feet to the northwest corner of Lot 61 of said subdivision;

Thence Southeasterly along the west line of said Lot 61 and subsequently along the west line of Lot 39 of said subdivision a distance of 320.9 feet to a point which is at the southwest corner of said Lot 39 and on the northern right-of-way line of Pearl Avenue;

Thence Southwesterly along the northern right-of-way line of said Pearl Avenue a distance of 30 feet to the southeast corner of Lot 31 of said subdivision;

Thence Northwesterly along the east line of said Lot 31 and subsequently along the east line of said Lot 32 a distance of 320.9 feet, more or less, to the point of beginning.

Containing 4.81 acres, more or less.

LESS AND EXCEPT

All that portion of said Lots 30, 31, 39, 40, 41, 42, 43, 44, 48, 49 and the 30 foot parcel lying east of said Lot 31, lying northwesterly of and within 25 feet of the survey line of Pearl Avenue, Section 48004-2701, said survey line to be described as follows:

Commencing at the northwest corner of Section 4, Township 2 South, Range 30 West;

Thence N 37° 00' 24" W 13.10 feet;

Thence S 52° 44' 46" W 15.97 feet;

Thence N 37° 36' 44" W 433.10 feet to the **POINT OF BEGINNING** of the survey line to be described herein;

Thence N 52° 51' 26" E 1325 feet to the end of the survey line herein described.

Containing 0.12 of an acre, more or less.

Containing a net total of 4.69 acres, more or less, and being all of Tracts 324, 326, 327, 328, 329, 332, 333, 334, 336, 337, 338, 339, 341, 342, 346, 347, 348, 349, 351, 352, 353, 354, 356 and 357 of the Escambia Treating Company Superfund Site Project.

**Parcel 8A**

All that tract or parcel of land lying and being in Section 5, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of the east 5 feet of Lot 3 and all of Lots 4-18 of Hermann's Subdivision of Lots 2, 3, 4, 5, and 6 of said Section 5, according to the plat of said subdivision thereof recorded in Deed Book 18, Page 449, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 4.47 acres, more or less.

**LESS AND EXCEPT**

All that portion of Lots 4-18, lying southeasterly of the survey line of Pearl Avenue, Section 48004-2701, southwesterly of Station 39+50 and lying southeasterly of said survey line and within a transition from 25 feet at Station 39+50 to 40 feet at Station 40+00 and lying southeasterly of and within 40 feet of said survey line, northeasterly of Station 40+00, said stations to be located and said survey line to be described as follows:

Commencing at the northwest corner of Section 4, Township 2 South, Range 30 West;

Thence N 37° 00' 24" W 13.10 feet;

Thence S 52° 44' 46" W 15.97 feet;

Thence N 37° 36' 44" W 433.10 feet to the **POINT OF BEGINNING** of the survey line to be described herein;

Thence N 52° 51' 26" E 950 feet to Station 39+50;

Thence continue N 52° 51' 26" E 50 feet to Station 40+00;

Thence N 52° 51' 26" E 325 feet to the end of the survey line herein described.

Containing 0.27 of an acre, more or less.

**ALSO LESS AND EXCEPT**

All that portion of 17 and 18, less the West 40 feet lying southwesterly of and within 25 feet of a line (Southwest right of way line of L and N Railroad right of way), Section 48004-2701, said line to be described as follows:

Commencing at the northwest corner of Section 4, Township 2 South, Range 30 West;

Thence N 37° 00' 24" W 13.10 feet;

Thence N 52° 44' 46" E 1080.99 feet to the POINT OF BEGINNING of the line to be described herein;

Thence N 24° 24' 14" W 410 feet to the end of the line herein described.

Containing 0.06 of an acre, more or less.

ALSO LESS AND EXCEPT

A parcel of land, triangular in shape, lying and being in said Lots 17 and 18, more particularly described as follows:

Beginning at the intersection of the southeast right of way line of Pearl Avenue, as described above and the southwest right of way (25 feet) of a line as described above;

Thence S 24° 24' 14" E 90 feet;

Thence Northwesterly along a straight line to said southeast right of way line of Pearl Avenue at a point 90 feet S 52° 51' 26" W of the point of beginning;

Thence N 52° 51' 26" E 90 feet, more or less, to the point of beginning.

Containing 0.09 of an acre, more or less.

ALSO LESS AND EXCEPT

All that portion of said Lot 16 more particularly described as follows:

Beginning at the southeast corner of said Lot 16;

Thence West 90 feet;

Thence North 90 feet;

Thence East 90 feet;

Thence South 90 feet, more or less, to the point of beginning.



Containing 0.19 of an acre, more or less.

Containing a net total of 3.86 acres, more or less, and being all of Tracts 362, 363, 366, 367, 368, 369, 371, 372, 373 and 378 of the Escambia Treating Company Superfund Site Project.

**Parcel 8B**

All that tract or parcel of land lying and being in Section 5, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

Commencing at the southeast corner of said Lot 16 of Hermann's Subdivision of Lots 2, 3, 4, 5, and 6 of said Section 5, according to the plat of said subdivision thereof recorded in Deed Book 18, Page 449, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida;

Thence West 50 feet to the **POINT OF BEGINNING**;

Thence continue West 10 feet;

Thence North 90 feet;

Thence East 10 feet;

Thence South 90 feet, more or less, to the point of beginning.

Containing 0.02 of an acre, more or less.

Containing 0.02 of an acre, more or less, and being all of Tract 376 of the Escambia Treating Company Superfund Site Project.

**Parcel 9**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point which is at the intersection of the eastern right-of-way line of North Pace Boulevard (Florida State Road No. 292) and the southern right-of-way line of West Loretta Street and at a corner of a tract of land now or formerly owned by Mehdi Mikhchi;

Thence Northeasterly along the southern right-of-way line of said street which is along the boundary of said Mikhchi tract a distance of 45 feet, more or less, to a point which is at a corner of said Mikhchi tract and the **POINT OF BEGINNING**;

Thence continue Northeasterly along the southern right-of-way line of said street a distance of 105 feet, more or less, to a point which is at a corner of a tract of land now or formerly owned by Randel I. Norwood, et ux;

Thence Southeasterly, at a right angle, along the boundary of said Norwood tract a distance of 125 feet, more or less, to a point which is at a corner of said Norwood;

Thence Northeasterly along the boundary of said Norwood tract a distance of 50 feet, more or less, to a corner of said Norwood tract;

Thence Northwesterly along the boundary of said Norwood tract a distance of 125 feet, more or less, to a point which is at a corner of said Norwood tract and on the southern right-of-way line of said West Loretta Street;

Thence Northeasterly along the southern right-of-way line of said street a distance of 50 feet, more or less, to a corner of a tract of land, now or formerly, owned by the F. E. Booker Company;

Thence Southeasterly along the boundary of said Booker tract a distance of 125 feet, more or less, to a corner of said Booker tract;

Thence Northeasterly along the boundary of said Booker tract a distance of 89 feet, more or less, to a corner of said Booker tract;

Thence Southeasterly along the boundary of said Booker tract a distance of 75 feet, more or less, to a point which is at a corner of said Booker tract and on the northern right-of-way line of West 42<sup>nd</sup> Lane;

Thence Southwesterly along the northern right-of-way line of said lane a distance of 368 feet, more or less, to a corner of said Mikhchi tract;

Thence Northwesterly along the boundary of said Mikhchi tract a distance of 216 feet, more or less, to the point of beginning.

Containing 1.11 acres, more or less, and being all of Tracts 402, 404 and 406 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 10**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at the intersection of the western right-of-way line of Palafox Highway (U. S. Highway No. 29/Florida State Road No. 95; and the northern line of the Pablo Palmes Grant;

Thence Northwesterly along the western right-of-way line of said highway a distance of 914.0 feet, more or less, to a point which is at a corner of a tract of land, now or formerly, owned by Miracle Faith Center, Inc. and at a corner of a tract of land now or formerly owned by Professional Collision Center of Pensacola, Inc.;

Thence Southwesterly along the boundary of said Miracle Faith Center tract and the boundary of said Professional Collision Center tract and subsequently along the boundary of a tract of land now or formerly owned by Regina Wade Soles and subsequently along the boundary of a tract of land now or formerly owned by the F. E. Booker Company a distance of 900.0 feet, more or less, to a point which is at a corner of said F. E. Booker Company tract and the **POINT OF BEGINNING**;

Thence Southeasterly, at a right angle, along the boundary of said F. E. Booker Company tract a distance of 203.5 feet, more or less, to a point which is at a corner of said F. E. Booker Company tract and on the northern right-of-way line of West Loretta Street;

Thence Southwesterly along the northern right-of-way line of said street a distance of 100.0 feet, more or less, to a corner of a tract of land now or formerly owned by Kishor Patel, et ux;

Thence Northwesterly, at a right angle, along the boundary of said Patel tract a distance of 203.5 feet, more or less, to a point which is at a corner of said Patel tract and on the boundary of said Miracle Faith Center tract;

Thence Northeasterly, at a right angle, along the boundary of said Miracle Faith Center tract a distance of 100.0 feet, more or less, to the point of beginning.

Containing 0.47 of an acre, more or less, and being all of Tract 403 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 11**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at intersection of western right-of-way line of Palafox Highway (U. S. Highway No. 29/Florida State Road No. 95) and the northern line of the Pablo Palmes Grant;

Thence Northwesterly along the western right-of-way line of said highway a distance of 914.0 feet, more or less, to a point which is at a corner of a tract of land now or formerly owned by Miracle Faith Center, Inc. and at a corner of a tract of land now or formerly owned by Professional Collision Center of Pensacola, Inc.;

Thence Southwesterly along the boundary of said Miracle Faith Center tract and the boundary of said Professional Collision Center tract a distance of 400.0 feet, more or less, to a point which is at a corner of said Professional Collision Center tract and the **POINT OF BEGINNING**;

Thence Southeasterly, at a right angle, along the boundary of said Professional Collision Center tract a distance of 202 feet, more or less, to a point which is at a corner of said Professional Collision Center tract and on the northern right-of-way line of West Loretta Street;

Thence Southwesterly along the northern right-of-way line of said street a distance of 50.0 feet, more or less, to a corner of said Miracle Faith Center tract;

Thence Northwesterly, at a right angle, along the boundary of said Miracle Faith Center tract a distance of 202 feet, more or less, to a point which is at a corner of said Miracle Faith Center tract;

Thence Northeasterly, at a right angle, along the boundary of said Miracle Faith Center tract a distance of 50.0 feet, more or less, to the point of beginning.

Containing 0.23 of an acre, more or less, and being all of Tract 447 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 12**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point which is at the intersection of the western right-of-way line of Palafox Highway (U. S. Highway No. 29/Florida State Road No. 95) and the southern right-of-way line of West Loretta Street and at a corner of a tract of land now or formerly owned by B & M Starter and Alternator Service, Inc.;

Thence Southeasterly along the southern right-of-way line of said West Loretta Street which is along the boundary of said B & M Starter and Alternator Service tract a distance of 200 feet, more or less, to a point which is at a corner of said B & M Starter and Alternator Service tract and the **POINT OF BEGINNING**;

Thence Southeasterly, at a right angle, along the boundary of said B & M Starter and Alternator Service tract a distance of 82 feet, more or less, to a point which is at a corner of said B & M Starter and Alternator Service tract;



Thence Northeasterly, at a right angle, along the boundary of said B & M Starter and Alternator Service tract a distance of 61 feet, more or less, to a point which is at a corner of said B & M Starter and Alternator Service tract;

Thence Southeasterly, at a right angle, along the boundary of said B & M Starter and Alternator Service tract a distance of 106.5 feet, more or less, to a point which is at a corner of said B & M Starter and Alternator Service tract and on the northern right-of-way line of West 42<sup>nd</sup> Lane;

Thence Southwesterly along the northern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 61 feet;

Thence Northwesterly, at a right angle, along the northern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 3.5 feet;

Thence Southwesterly along the northern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 150 feet;

Thence Southeasterly along the northern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 3.5 feet;

Thence Southwesterly, at a right angle, along the northern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 235 feet, more or less, to a point which is at a corner of a tract of land, now or formerly, owned by the F. E. Booker Company;

Thence Northwesterly, at a right angle, along the boundary of said Booker Company tract a distance of 185.5 feet, more or less, to a point which is at a corner of said Booker Company tract and on the southern right-of-way line of said West Loretta Street;

Thence Northeasterly along the southern right-of-way line of said West Loretta Street a distance of 385 feet, more or less, to the point of beginning.

Containing 1.79 of an acre, more or less, and being all of Tracts 408, 409, 411, 412 and 415 of the Escambia Treating Company Superfund Site Project.

### **Parcel 13**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Beginning at a point which is at the intersection of the western right-of-way line of Palafox Highway (U. S. Highway No. 29/Florida State Road No. 95) and the southern right-of-way line of West 42<sup>nd</sup> Lane;

Thence Southeasterly along the western right-of-way line of said Palafox Highway a distance of 85 feet, more or less, to a corner of a tract of land now or formerly owned by Jerry W. Mathes and Robert N. Heath;

Thence Southwesterly, at a right angle, along the boundary of said Mathes/Heath tract a distance of 420 feet, more or less, to a point which is at a corner of said Mathes/Heath tract;

Thence Northwesterly, at a right angle, along the boundary of said Mathes/Heath tract a distance of 85 feet, more or less, to a point which is at a corner of said Mathes/Heath tract and on the southern right-of-way line of said West 42<sup>nd</sup> Lane;

Thence Northeasterly along the southern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 420 feet, more or less, to the point of beginning.

Containing 0.83 of an acre, more or less, and being all of Tract 413 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 14**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point which is at the intersection of the western right-of-way line of Palafox Highway (U. S. Highway No. 29/Florida State Road No. 95) and the southern right-of-way line of West 42<sup>nd</sup> Lane and at a corner of a tract of land now or formerly owned by Buck Commander, et ux;

Thence Southwesterly along the southern right-of-way line of said West 42<sup>nd</sup> Lane which is along the boundary of said Commander tract and subsequently along the boundary of a tract of land now or formerly owned by Jerry W. Mathes and Robert N. Heath a distance of 570 feet, more or less, to a point which is at a corner of said Mathes/Heath tract and the POINT OF BEGINNING;

Thence Southeasterly, at a right angle, along the boundary of said Mathes/Heath tract a distance of 200 feet, more or less, to a point which is at a corner of said Mathes/Heath tract and on the northern right-of-way line of West 41<sup>st</sup> Lane;

Thence Southwesterly along the northern right-of-way line of said West 41<sup>st</sup> Lane a distance of 460 feet, more or less, to a corner of a tract of land now or formerly owned by the F. E. Booker Company;

Thence Northwesterly, at a right angle, along the boundary of said Booker Company tract a distance of 200 feet, more or less, to a point on the southern right-of-way line of said West 42<sup>nd</sup> Lane;

Thence Northeasterly along the southern right-of-way line of said West 42<sup>nd</sup> Lane a distance of 460 feet, more or less, to the point of beginning.

Containing 2.18 acres, more or less, and being all of Tracts 414 and 416 of the Escambia Treating Company Superfund Site Project.

**Parcel 15**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at the northwest corner of Lot 4 of said Section 8;

Thence East along the north line of Lot 4 of said section a distance of 40 feet, more or less, to a point which is on the eastern right-of-way line of North Pace Boulevard (Florida State Road No. 292);

Thence continue East along the north line of Lot 4 of said section which is subsequently along the boundary of a tract of land now or formerly owned by D. C. Tolbert and Alberta Tolbert as Trustees of the D. C. Tolbert and Alberta Tolbert Family Trust and along the boundary of a tract of land now or formerly owned by Alberta Tolbert a distance of 138.02 feet, more or less, to a corner of a tract of said Tolbert Family Trust tract and at a corner of a tract of land now or formerly owned by Mattie L. Lewis;

Thence Southeasterly along the boundaries of said Tolbert Family Trust tract and said Lewis tract a distance of 115 feet, more or less, to a point which is at a corner of said Tolbert Family Trust tract and at a corner of a tract of land, now or formerly, owned by Alberta Tolbert and Nell Vina Gulley;

Thence continue Southeasterly along the boundaries of said Tolbert-Gulley tract and said Lewis tract a distance of 115 feet, more or less, to a point which is at a corner of said Lewis tract, at a corner of said Tolbert-Gulley tract and on the northern right-of-way line of Clarinda Lane;

Thence West along the northern right-of-way line of said Clarinda Lane which is along the boundary of said Tolbert-Gulley tract a distance of 67 feet, more or less, to a point which is at a corner of said Tolbert-Gulley tract and the **POINT OF BEGINNING**;

Thence continue West along the northern right-of-way line of said Clarinda Lane a distance of 40 feet, more or less, to a corner of another tract of land now or formerly owned by Alberta Tolbert and Nell Vina Gulley;

Thence North along the boundary of said other Tolbert-Gulley tract a distance of 100 feet, more or less, to a point which is at a corner of said Tolbert-Gulley tract and on the boundary of said Tolbert Family Trust tract;

Thence East along the boundary of said Tolbert Family Trust tract a distance of 40 feet, more or less, to a point which is at a corner of said Tolbert-Gulley tract;

Thence South along the boundary of said Tolbert-Gulley tract a distance of 100 feet, more or less, to the point of beginning.

Containing 0.09 of an acre, more or less, and being all of Tract 421 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 16**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at the northwest corner of Lot 4 of said Section 8;

Thence East along the north line of Lot 4 of said section a distance of 40 feet, more or less, to a point which is on the eastern right-of-way line of North Pace Boulevard (Florida State Road No. 292);

Thence continue East along the north line of Lot 4 of said Section 8 which is subsequently along the boundary of a tract of land now or formerly owned by D. C. Tolbert and Alberta Tolbert as Trustees of the D. C. Tolbert and Alberta Tolbert Family Trust and along the boundary of a tract of land now or formerly owned by Alberta Tolbert a distance of 138.02 feet, more or less, to a point which is at a corner of a tract of said Tolbert Family Trust tract and the **POINT OF BEGINNING**;

Thence continue East along the north line of Lot 4 of said Section 8 which is along the boundary of said Alberta Tolbert tract and subsequently along the boundary of a tract of land, now or formerly, owned by the F. E. Booker Company and subsequently along the boundary of a tract of land, now or formerly, owned by Lloyd L. Simoneaux and subsequently along the boundary of a tract of land, now or formerly, owned by David R. Robinson and Selina A. Robinson a distance of 675 feet, more or less, to a point which is at a corner of said Robinson tract;

Thence Northwesterly along the boundary of said Robinson tract a distance of 70 feet, more or less, to a corner of said Robinson tract;

Thence Northeasterly, at a right angle, along the boundary of said Robinson tract a distance of 100 feet, more or less, to a point which is at a corner of said Robinson tract and on the western right-of-way line of Clover Lane;

Thence Southeasterly along the western right-of-way line of said Clover Land a distance of 50 feet, more or less, to the southern right-of-way line of West 40<sup>th</sup> Lane;

Thence Northeasterly along the southern right-of-way line of said West 40<sup>th</sup> Lane a distance of 110 feet, more or less, to a corner of a tract of land, now or formerly, owned by JAB Investments;

Thence Southeasterly, at a right angle, along the boundary of said JAB Investments tract a distance of 182.75 feet, more or less, to a point which is on the north line of Lot 4 of said Section 8, at a corner of said JAB Investments tract and on the boundary of a tract of land now or formerly owned by the Estate of Joseph Thrash, Jr.;

Thence West along the north line of Lot 4 of said section which is along the boundary of said Thrash tract a distance of 20 feet, more or less, to a corner of said Thrash tract;

Thence Southeasterly along the boundary of said Thrash tract a distance of 272.25 feet, more or less, to a point which is at a corner of said Thrash tract and on the northern right-of-way line of Clarinda Lane;

Thence West along the northern right-of-way line of said lane a distance of 984.65 feet, more or less, to a corner of said Tolbert-Gulley tract;

Thence Northeasterly along the boundary of said Tolbert-Gulley tract and subsequently along the boundary of said Tolbert Family Trust tract a distance of 230 feet, more or less, to the point of beginning.

Containing 5.93 acres, more or less, and being all of Tracts 423, 424, 426, 427, 428, 429, 431, 434, 436, 437, 438, 439, 441 and 446 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 17**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Beginning at a point which is at the northeast corner of Lot 4 of said Section 8, on the boundary of a tract of land now or formerly owned by Earl G. Pitman, Jr. and Thomas B. McClendon and at a corner of a tract of land now or formerly owned by Walters Properties, LLC;



Thence Southeasterly along the boundary of said Pitman and McClendon tract a distance of 220 feet, more or less, to a point which is on the northern right-of-way line of Clarinda Lane, at a corner of said Pitman and McClendon tract and at a corner of a tract of land now or formerly owned by Goldstein Enterprises, L.L.C.;

Thence Southwesterly and Westerly along the northern right-of-way line of said lane which is along the boundary of said Goldstein Enterprises tract a distance of 316.91 feet, more or less, to a corner of a tract of land, now or formerly, owned by the Estate of Joseph Thrash, Jr.;

Thence North, at a right angle, along the boundary of said Thrash tract a distance of 135.56 feet, more or less, to a corner of said Thrash tract;

Thence East, at a right angle, along the boundary of said Thrash tract a distance of 20.64 feet, more or less, to a corner of said Thrash tract;

Thence Northwesterly along the boundary of said Thrash tract a distance of 98.27 feet, more or less, to a point which is on the north line of Lot 4 of said Section 8, a corner of said Thrash tract and on the boundary of said Walters Properties tract;

Thence East along the north line of Lot 4 of said Section 8 which is along the boundary of said Walters Properties tract a distance of 187.2 feet, more or less, to the point of beginning.

Containing 1.11 acres, more or less, and being Tracts 443 and 444 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 18**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point which is 698.67 feet north of the southwest corner of Lot 4 of said Section 8;

Thence East along a line parallel with the north line of Lot 4 of said section a distance of 466.65 feet, more or less, to a point which is at a corner of a tract of land, now or formerly, owned by Ferriss Moving & Storage Co., Inc. and the **POINT OF BEGINNING**;

Thence North, at a right angle, along the boundary of said Ferriss Moving & Storage Co. tract a distance of 128.2 feet, more or less, to a point which is at a corner of said Ferriss Moving & Storage Co. tract and on the southern right-of-way line of Clarinda Lane;

Thence East along the southern right-of-way line of said lane a distance of 360 feet, more or less, to a corner of a tract of land, now or formerly, owned by William R. Johnson, et ux;

Thence Southeasterly along the boundary of said Johnson tract a distance of 210 feet, more or less, to a point which is at a corner of said Johnson tract and on the boundary of a tract of land, now or formerly, owned by Whitesell-Green, Inc.;

Thence West along the boundary of said Whitesell-Green, Inc. tract a distance of 210 feet, more or less, to a point which is at a corner of said Whitesell-Green, Inc. tract and on the boundary of a tract of land, now or formerly, owned by Tom White the Printer, Inc.;

Thence Northwesterly along the boundary of said Tom White the Printer, Inc. tract a distance of 75 feet, more or less, to a corner of said Ferriss Moving & Storage Co. tract;

Thence West along the boundary of said Ferriss Moving & Storage Co. tract a distance of 193.35 feet, more or less, to the point of beginning.

Containing 1.46 acres, more or less, and being all of Tracts 452, 453, 454 and 456 of the Escambia Treating Company Superfund Site Project.

#### **Parcel 19**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point which is 698.67 feet north of the southwest corner of Lot 4 of said Section 8;

Thence East along a line parallel with the north line of Lot 4 of said section a distance of 316.65 feet, more or less, to a point which is on the boundary of a tract of land now or formerly owned by Ferriss Moving & Storage Co., Inc., at a corner of a tract of land now or formerly owned by Robert Hartley and Vanessa M. Hartley and the **POINT OF BEGINNING**;

Thence North, at a right angle, along the boundary of said Hartley tract a distance of 128.2 feet, more or less, to a point which is at a corner of said Hartley tract and on the southern right-of-way line of Clarinda Lane;

Thence East along the southern right-of-way line of said lane a distance of 70 feet, more or less, to a corner of said Ferriss Moving & Storage Co. tract;

Thence South, at a right angle, along the boundary of said Ferriss Moving & Storage Co. tract a distance of 128.2 feet, more or less, to a point which is at a corner of said Ferriss Moving & Storage Co. tract;

Thence West, at a right angle, along the boundary of said Ferriss Moving & Storage Co. tract a distance of 70 feet, more or less, to the point of beginning.

Containing 0.20 of an acre, more or less, and being all of Tract 451 of the Escambia Treating Company Superfund Site Project.

**Parcel 20**

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as follows:

Commencing at a point which is 698.67 feet north of the southwest corner of Lot 4 of said Section 8;

Thence East along a line parallel with the north line of Lot 4 of said section a distance of 266.65 feet, more or less, to a point which is at a corner of a tract of land, now or formerly, owned by Robert Hartley and Vanessa M. Hartley, at a corner of a tract of land, now or formerly, owned by Ferriss Moving & Storage Co., Inc., at a corner of a tract of land now or formerly owned by LOJ, LLC and the **POINT OF BEGINNING**;

Thence East along the boundary of said LOJ, LLC tract a distance of 79.2 feet, more or less, to a point which is at a corner of said LOJ, LLC tract and at a corner of a tract of land, now or formerly, owned by H. L. Davis Company, Inc.;

Thence Northwesterly along the boundary of said Davis Company tract and subsequently along the boundary of a tract of land now or formerly owned by Pierre J. Habecker and Wanda J. Habecker a distance of 99.53 feet, more or less, to a point which is at a corner of a tract of land now or formerly owned by Escambia County, Florida;

Thence East along the boundary of said Escambia County tract a distance of 45.63 feet, more or less, to a point which is at a corner of said Escambia County tract;

Thence North, at a right angle, along the boundary of said Escambia County a distance of 32.02 feet, more or less, to a point which is at a corner of said Escambia County tract and on the southern right-of-way line of Clarinda Lane;

Thence East along the southern right-of-way line of said lane a distance of 50 feet, more or less, to a corner of said Hartley tract;

Thence South, at a right angle, along the boundary of said Hartley tract a distance of 14.35 feet, more or less, to a point which is at a corner of said Hartley tract;

Thence East along the boundary of said Hartley tract a distance of 8.0 feet, more or less, to a point which is at a corner of said Hartley tract;

Thence South, at a right angle, along the boundary of said Hartley tract a distance of 56.3 feet, more or less, to a point which is at a corner of said Hartley tract;

Thence West, at a right angle, along the boundary of said Hartley tract a distance of 8.0 feet, more or less, to a point which is at a corner of said Hartley tract;

Thence South along the boundary of said Hartley tract a distance of 57.55 feet, more or less, to the point of beginning.

Containing 0.26 of an acre, more or less, and being all of Tracts 448, 457 and 458 of the Escambia Treating Company Superfund Site Project.

Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 containing in the aggregate 55.40 acres, more or less.

***Exhibit B***

(to Declaration of Restrictive Covenants for the neighborhoods  
formerly known as Oak Park, Escambia Arms, Clarinda Triangle and Herman & Pearl)

**LIST OF ENCUMBRANCES**

**Parcel 1**

**Tracts 201, 202, 203, 204, 206, 207, 209, 212, 213, 214, 216, 217, 218, 219, 221, 226, and 229**

Easement in favor of Gulf Power Company as recorded in Deed Book 426 at Page 587 of the  
Public Records of Escambia County, Florida.

**Tracts 208, 211, 222, 223, 224, 227 and 228**

1. Gulf Power Company Easement as recorded in Deed Book 519 at Page 292 of the Public  
Records of Escambia County, Florida.
2. Covenants, Conditions and Restrictions recorded in Deed Book 502 at Page 137 of the Public  
Records of Escambia County, Florida.

**Parcel 2**

**Tracts 231, 232 and 233**

1. Gulf Power Company Easement as recorded in Deed Book 519 at Page 292 of the Public  
Records of Escambia County, Florida.
2. Covenants, Conditions and Restrictions recorded in Deed Book 502 at Page 137 of the Public  
Records of Escambia County, Florida.

**Parcel 3**

**Tracts 234, 236, 237 and 238**

Easement in favor of Gulf Power Company as recorded in Deed Book 426 at Page 587 of the  
Public Records of Escambia County, Florida.

**Tracts 239, 241 and 242**

1. Gulf Power Company Easement as recorded in Deed Book 519 at Page 292 of the Public  
Records of Escambia County, Florida.
2. Covenants, Conditions and Restrictions recorded in Deed Book 502 at Page 137 of the Public  
Records of Escambia County, Florida.



**Parcel 7**

**Tract 352**

Drainage Easement in favor of Escambia County, a political subdivision of the state of Florida, recorded in Official Records Book 2543 at Page 154 of the Public Records of Escambia County, Florida.

**Parcel 15**

**Tract 421**

Easement to Gulf Power Company recorded in Deed Book 167 at Page 441 of the Public Records of Escambia County, Florida.

**Parcel 16**

**Tract 446**

Easement to Gulf Power Company recorded in Deed Book 167 at Page 420 of the Public Records of Escambia County, Florida.

RECEIVED  
APR 24 2013

DEPT. OF ENVIRONMENTAL PROTECTION  
OFFICE OF GENERAL COUNSEL

This instrument prepared by:

Stacey A. Haire, Attorney-Advisor  
Office of Environmental Accountability  
U.S Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

Pam Childers  
CLERK OF THE CIRCUIT COURT  
ESCAMBIA COUNTY FLORIDA  
INST# 2014029668 05/01/2014 at 09:21 AM  
OFF REC BK: 7164 PG: 344 - 357 Doc Type: DECL  
RECORDING: \$120.50

### DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (hereinafter "Declaration") is given this 2 day of April, 2013, by the United States ("Grantor"), by and through the U.S. Environmental Protection Agency, Facilities Management and Services Division, whose address is Office of Administration, Ariel Rios Building, 1200 Pennsylvania Avenue N.W., Washington, D.C., 20460, to the State of Florida Department of Environmental Protection (hereinafter "FDEP" or "Grantee").

### RECITALS

- A. **WHEREAS**, Grantor is the fee simple owner of a group of contiguous parcels of land situated in the County of Escambia, State of Florida, **formerly known as the Rosewood Terrace Subdivision**, and more particularly described in *Exhibit A* attached hereto and made a part hereof (hereinafter the "Property");
- B. **WHEREAS**, The Property subject to this restrictive covenant is a portion of the properties known as the Escambia Wood Treating Company Superfund Site ("Site"), which the U.S. Environmental Protection Agency ("EPA") placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on December 16, 1994, at 59 Fed. Reg. 65206, pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605.
- C. **WHEREAS**, in an Interim Record of Decision dated February 12, 1997 (the "Interim ROD"), a Record of Decision dated September 25, 2002 (the "ROD for OU1"), and a Record of Decision dated September 29, 2008 (the "ROD for OU2"), the EPA Region 4 Regional Administrator selected "remedial actions" for the Site.
- D. **WHEREAS**, the remedial actions selected pursuant to the EPA RODs have and will continue to be performed on the Site.
- E. **WHEREAS**, contaminants in excess of allowable concentrations for unrestricted use will remain at the Property after completion of the remedial actions.



- F. **WHEREAS**, it is the intent of the restrictions in this declaration to reduce or eliminate the risk of exposure of the contaminants to the environment and to users or occupants of the property and to reduce or eliminate the threat of migration of the contaminants.
- G. **WHEREAS**, it is the intention of all parties that EPA is a third party beneficiary of said restrictions and said restrictions shall be enforceable by the EPA, FDEP, and their successor agencies.
- H. **WHEREAS**, the parties hereto have agreed: (1) to impose on the Property use restrictions as covenants that will run with the land for the purpose of protecting human health and the environment; and (2) to grant an irrevocable right of access over the Property to the Grantee and its agents or representatives for purposes of implementing, facilitating, and monitoring the remedial action; and
- I. **WHEREAS**, Grantor deems its desirable and in the best interest of all present and future owners of the Property that the Property be held subject to certain restrictions and changes, that will run with the land, for the purpose of protecting human health and the environment, all of which are more particularly hereinafter set forth.

**NOW THEREFORE**, Grantor, on behalf of itself and its successors and assigns, in consideration of the recitals above, the terms of the Records of Decision, and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, does hereby covenant and declare that the Property shall be subject to the restrictions on use set forth below, which shall touch and concern and run with the title of the property, and does give, grant, and convey to the Grantee, and its assigns: (1) an irrevocable use restriction and site access covenant of the nature and character, and for the purposes hereinafter set forth; and (2) the perpetual right to enforce said covenants and use restrictions, with respect to the Property. Grantor further agrees as follows:

- A. The foregoing recitals are true and correct and are incorporated herein by reference.
- B. Grantor hereby imposes on the Property the following restrictions:
  - 1. **Restrictions on Use:** The following covenants, conditions, and restrictions apply to the use of the Property:
    - a. Groundwater shall not be used for any purpose until state groundwater standards and the groundwater cleanup standards identified in the ROD for OU2 are met.
    - b. There shall be no drilling for water conducted on the Property, nor shall any wells, including monitoring wells, be installed on the Property unless pre-approved by FDEP.

- c. Attached as *Exhibit B*, and incorporated by reference herein, is a survey map identifying the size and location of existing surface water and storm water management systems, including storm water swales, storm water detention or retention facilities, and ditches on the Property. Such existing features shall not be altered, modified, or expanded without prior approval from the FDEP. Additionally, there shall be no construction of new stormwater swales, stormwater detention or retention facilities, or ditches on the Property without prior written approval from the FDEP.
- d. The Property shall be used solely for commercial, industrial, or manufacturing purposes, except that the Property shall not be used for any business involving temporary or permanent housing of individuals. The following uses are forbidden unless FDEP grants prior approval in accordance with Paragraph 3 of this Declaration:
  - i. The Property shall not be used for residential purposes, including mobile homes, hotels, motels, apartments, dormitories, campgrounds, group homes, retirement communities, or temporary shelters.
  - ii. The property shall not be used for day care centers, kindergartens, or elementary or secondary schools.
  - iii. The property shall not be used for playgrounds, athletic fields, or camps.
  - iv. The property shall not be used for mining or agricultural purposes, including community gardens and forestry.
- e. On-site engineering controls, including the engineered containment cell and soil cover system on the Property, as identified on the survey map in *Exhibit B*, shall be maintained. This restriction may only be modified pursuant to Paragraph 3 of this Declaration. Should future development require interference with on-site engineering controls, additional response actions may be necessary. Prior to any construction activities, a plan must be submitted and approved by FDEP to address and ensure the appropriate management of any contaminated soil that may be encountered during construction.
- f. No actions shall be taken that would damage or interfere with the engineered containment cell, soil cover system, storm or surface water management system, or groundwater monitoring system, including monitoring wells, sump cleanouts, piping, or other such remedial technology used in the environmental remediation and restoration on the Property.
- g. Design and Construction Restrictions. Because of the danger of damaging the engineered containment cell, the following activities are restricted at the Property:



- i. Deep foundations such as pilings or piers are prohibited.
- ii. All foundations constructed on the engineered containment cell shall be shallow foundations and shall comply with the following:
  - a. A minimum of two feet of soil shall be maintained between the bottoms of building foundations and the top of the engineered containment cell.
  - b. Building foundation loads must be limited not to exceed the strength of the overlying cap soil cover and the geosynthetic material of the containment cell. The foundation design shall restrict the load on the underlying geosynthetics of the engineered cap to no greater than 3,500 pound per square foot.
  - c. The sand fill materials used below all foundations for the cover soils must be compacted to a minimum density of 95 percent of maximum density in accordance with ASTM D1557 below all foundations.
- iii. Deep rooted vegetation (i.e., root depth greater than 4 feet) is prohibited.
- iv. Road Construction.
  - a. A minimum of 18 inches of the existing sand cover soil must be left between the road base material and the top of the engineered containment cell geosynthetic materials.
  - b. A minimum of three feet of total cover must be left over the engineered containment cell geosynthetic materials such that there is always a minimum of three feet between the final surface of a roadway and the engineered containment cell.
- v. Railroad Construction.
  - a. A minimum of 24 inches of the existing sand cover soil must be left between the base material of the railroad and the top of the engineered containment cell geosynthetic materials.
  - b. A minimum of three feet of total cover must be left over the engineered containment cell geosynthetic materials such that there is always a minimum of three feet between the final surface of a railroad and the engineered containment cell.
- vi. Underground Utilities.
  - a. A minimum of 18 inches must be left between the bottom of any utility or stormwater drainage pipe trench and the top of the engineered containment cell geosynthetic materials.

- b. Utility installations shall not tie into or interfere with the engineered containment cell subsurface drainage system.
  - vii. Light Pole Foundations.
    - a. A minimum of 18 inches of soil must remain between the base of light pole foundations and the top of the engineered containment cell geosynthetic materials.
    - b. The foundation design shall restrict the load on the underlying geosynthetics of the engineered cap to no greater than 3,500 pound per square foot.
  - viii. Site Grading.
    - a. As part of any grading operations at the Property, including for parking areas and roads, a minimum of three feet of total cover must be left between the final surface and engineered containment cell geosynthetic materials.
    - b. Additional fill materials may be used to raise the final surface, so long as the restrictions in this document regarding the construction or installation of foundations, utilities, roads, railroads, and storm water drainage systems are met.
  - ix. Storm Water Drainage Control.
    - a. Construction of storm water infiltration structures or ponds (including lined landscaping ponds) is prohibited.
    - b. Any storm water ditches shall be lined to minimize infiltration into the soil cover above the engineered containment cell.
    - c. Storm water control systems shall not tie into or interfere with the engineered containment cell subsurface drainage system.
2. **Irrevocable Covenant for Site Access:** Grantor hereby grants to the Grantee, its agents and representatives, an irrevocable, permanent and continuing right of access at all reasonable times to the Property for purposes of:
- a. Implementing the response actions in the ROD for OU1 and the ROD for OU2;
  - b. Verifying any data or information submitted to EPA and Grantee;
  - c. Verifying that no action is being taken on the Property in violation of the terms of this instrument or of any federal or state environmental laws or regulations;

- d. Monitoring response actions on the Site and conducting investigations relating to contamination on or near the Site, including, without limitation, sampling of air, water, sediments, soils, and specifically, without limitation, obtaining split or duplicate samples; and
  - e. Conducting periodic reviews of the remedial action, including but not limited to, reviews required by applicable statutes and/or regulations.
3. **Modification:** This Declaration shall not be modified, amended, or terminated without the written consent of FDEP or its successor agency. FDEP shall not consent to any such modification, amendment, or termination without the written consent of EPA.
4. **Reserved Rights:**
- a. **Reserved Rights of Grantor:** Grantor hereby reserves unto itself, its successors and assigns, all rights and privileges in and to the use of the Property which are not incompatible with the restrictions, rights and covenants granted herein.
  - b. **Reserved Rights of EPA:** Nothing in this document shall limit or otherwise affect EPA's rights of entry and access or EPA's authority to take response actions under CERCLA, the NCP, or other federal law. **EPA expressly maintains its full authority to conduct response actions at and obtain access to the Property under Section 104 of CERCLA and its attendant regulations.**
  - c. **Reserved Rights of Grantee:** Nothing in this document shall limit or otherwise affect Grantee's rights of entry and access or authority to act under state or federal law.
5. **Notice Requirement:** Grantor agrees to include in any instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases and mortgages, a notice which is in substantially the following form:

**NOTICE: THE INTEREST CONVEYED HEREBY IS  
SUBJECT TO A DECLARATION OF RESTRICTIVE  
COVENANTS, DATED \_\_\_\_\_, 201\_\_, RECORDED  
IN THE PUBLIC LAND RECORDS OF ESCAMBIA  
COUNTY, FLORIDA, ON \_\_\_\_\_, 201\_\_, IN BOOK  
\_\_\_\_\_, PAGE \_\_\_\_\_, IN FAVOR OF, AND  
ENFORCEABLE BY, THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

Within thirty (30) days of the date any such instrument of conveyance is executed, Grantor must provide Grantee and EPA with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

6. **Administrative Jurisdiction:** FDEP or any successor state agency having administrative jurisdiction over the interests acquired by the State of Florida by this instrument is the Grantee. EPA is a third party beneficiary to the interests acquired by Grantee.
7. **Enforcement:** The Grantee shall be entitled to enforce the terms of this instrument by resort to specific performance or legal process. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. It is expressly agreed that EPA is not the recipient of a real property interest but is a third party beneficiary of the Declaration of Restrictive Covenants, and as such, has the right of enforcement. Enforcement of the terms of this instrument shall be at the discretion of the entities listed above, and any forbearance, delay or omission to exercise its rights under this instrument in the event of a breach of any term of this instrument shall not be deemed to be a waiver by the Grantee of such term or of any subsequent breach of the same or any other term, or of any of the rights of the Grantee under this instrument.
8. **Damages:** Grantee shall be entitled to recover damages for violations of the terms of this instrument, or for any harm to the remedial action, to the public or to the environment protected by this instrument, due to a violation of the terms of this instrument.
9. **Waiver of Certain Defenses:** Grantor hereby waives any defense of laches, estoppel, or prescription.
10. **Covenants:** Grantor hereby covenants to and with the Grantee, that the Grantor is lawfully seized in fee simple of the Property, that the Grantor has a good and lawful right and power to sell and convey it or any interest therein, that the Property is free and clear of encumbrances, except those noted on *Exhibit C* attached hereto.
11. **Notices:** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, referring to the Site name and Site ID number (04GS), and addressed as follows:
- |                                     |                             |
|-------------------------------------|-----------------------------|
| To Grantor:                         | To Grantee:                 |
| Chief, Superfund Remedial Section C | Bureau Chief, Waste Cleanup |
| Superfund Division                  | FDEP M.S. 4505              |
| U.S. EPA Region 4                   | 2600 Blair Stone Road       |
| 61 Forsyth Street, SW               | Tallahassee, FL 32399       |
| Atlanta, GA 30303                   |                             |
12. **Recording in Land Records:** Grantor shall record this Declaration of Restrictive Covenants in timely fashion in the Official Records of Escambia County, Florida, with no encumbrances other than those noted in *Exhibit C*, and shall rerecord it at any time Grantee may require to preserve its rights. Grantor shall pay all recording costs and taxes necessary to record this document in the public records.

13. **General Provisions:**

- a. **Controlling Law:** The interpretation and performance of this instrument shall be governed by the laws of the United States or, if there are no applicable federal laws, by the law of the State of Florida, where the Property is located.
- b. **Liberal Construction:** Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the grant to effectuate the purpose of this instrument and the policy and purpose of CERCLA. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c. **Severability:** If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this instrument, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d. **Entire Agreement:** This instrument sets forth the entire agreement of the parties with respect to rights and restrictions created hereby and supersedes all prior discussions, negotiations, understandings, or agreements relating thereto, all of which are merged herein.
- e. **No Forfeiture:** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.
- f. **Successors:** The term "Grantor", wherever used herein, and any pronouns used in place thereof, shall include the entities named at the beginning of this document, identified as "Grantor" and their successors, and assigns. The term "Grantee", wherever used herein, and any pronouns used in place thereof, shall include the entity named at the beginning of this document, identified as "Grantee" and its successors, and assigns. The rights of the Grantee and Grantor under this instrument are freely assignable, subject to the notice provisions hereof.
- g. **Captions:** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.



- h. Counterparts: The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

**TO HAVE AND TO HOLD** unto the State of Florida Department of Environmental Protection and its successors and assigns forever.

**IN WITNESS WHEREOF**, Grantor has caused this Agreement to be signed in its name.

Executed this 2 day of April, 2013.

GRANTOR:

Bridget C. Shea  
Bridget C. Shea, Director  
Facilities Management and Services Division  
Office of Administration  
Office of Administration and Resources Management  
U.S. Environmental Protection Agency

Signed, sealed and delivered in the presence of:

<u>[Signature]</u> Witness	<u>Raphael D. Jackson</u> Print Name	<u>April 2, 2013</u> Date
<u>[Signature]</u> Witness	<u>Raynaldo Daniels</u> Print Name	<u>April 2, 2013</u> Date

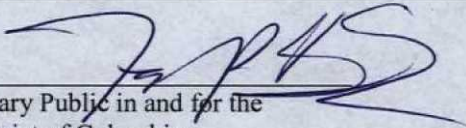
Xette M. Jackson

**DISTRICT OF COLUMBIA**

On this 2 day of APRIL, 2013, before me, the undersigned, a Notary Public in and for the State of Florida, duly commissioned and sworn, personally appeared ~~Bridget C. Shea~~ <sup>Acting</sup> known to be the **Director of the Facilities Management and Services Division of the Office of Administration**, Office of Administration and Resources Management, U.S. Environmental Protection Agency, who executed the foregoing **Declaration of Restrictive Covenants**, and acknowledged the said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

Witness my hand and official seal hereto affixed the day and year written above.

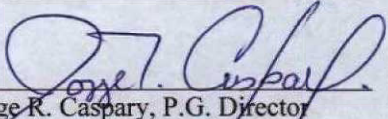


  
Notary Public in and for the  
District of Columbia  
FRANCIS P. BONDS  
NOTARY PUBLIC, DISTRICT OF COLUMBIA  
My Commission Expires 9/30/16

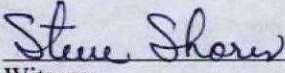


STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

By:

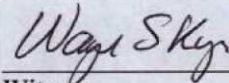
  
Jorge R. Caspary, P.G. Director  
Division of Waste Management  
Florida Department of Environmental Protection

Signed, sealed and delivered in the presence of:

  
Witness

Steve Shores  
Print Name

02/19/2014  
Date

  
Witness

WAYNE S KIGER  
Print Name

2/19/2014  
Date

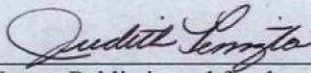
STATE OF FLORIDA  
COUNTY OF LEON

On this 19<sup>th</sup> day of FEBRUARY, 2014, before me, the undersigned, a Notary Public in and for the State of Florida, duly commissioned and sworn, personally appeared **Jorge Caspary**, known to be the **Director of the Division of Waste Management, Florida Department of Environmental Protection**, the State Agency that executed the foregoing **Declaration of Restrictive Covenants**, and acknowledged the said instrument to be the free and voluntary act and deed of said Agency, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

Witness my hand and official seal hereto affixed the day and year written above.



JUDITH PENNINGTON  
MY COMMISSION # EE 022582  
EXPIRES: September 10, 2014  
Bonded Thru Budget Notary Services

  
Notary Public in and for the  
State of Florida

My Commission Expires: SEPTEMBER 10, 2014

***Exhibit A***

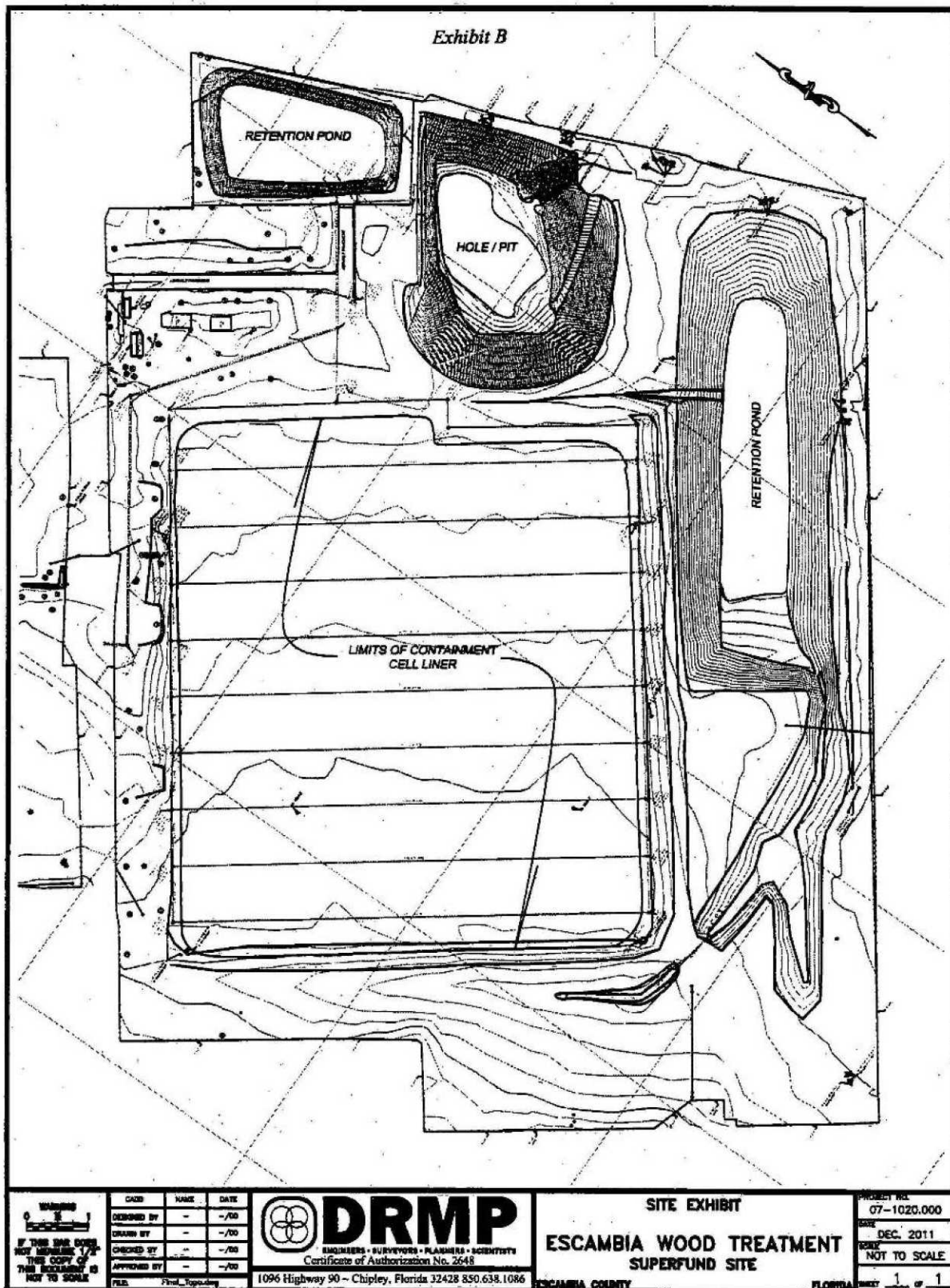
**LEGAL DESCRIPTION**

(Neighborhood Formerly Known as Rosewood Terrace)

All that tract or parcel of land lying and being in Section 8, Township 2 South, Range 30 West, Tallahassee Meridian, Escambia County, Florida, more particularly described as being:

All of Lots 1-19, Block "A", Lots 1-20, Block "B", Lots 1-4, Block "C", Lots 1-16, Block "D" and Lots 1-7, Block "E", Unit No. 1, of Rosewood Terrace Subdivision, a subdivision of a portion of said Section 8, according to the plat of said subdivision thereof recorded in Plat Book 5, Page 11, of the records in the office of the Clerk of the Circuit Court of Escambia County, Florida.

Containing 14.28 acres, more or less, and being all of Tracts 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 113, 114, 116, 117, 118, 119, 121, 122, 123, 124, 126, 127, 128, 129, 131, 132, 133, 134, 136, 137, 138, 139, 141, 142, 143, 144, 146, 147, 148, 149, 151, 152, 153, 154, 156, 157, 158, 159, 161, 162, 163, 164, 166, 167, 168, 169, 171, 172, 173, 174, 176, 177, 178, 179, 181 and 182 of the Escambia Treating Company Superfund Site Project.





***Exhibit C***

(to Declaration of Restrictive Covenants for the area  
formerly known as the Rosewood Terrace Subdivision)

**LIST OF ENCUMBRANCES**

**Tracts 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 113, 114, 116, 117, 118, 119, 131, 132, 133, 137, 138, 139, 141, 142, 143, 144, 146, 147, 148, 149, 151, 152, 153, 154, 156, 157, 158, 159, 161, 162, 163, 164, 166, 167, 168, 169, 171, 172, 173, 174 176, 177, 178, 179, 181 and 182**

1. Subject to terms, provisions, conditions, easements, restrictions and rights of assessments created by and set forth in that certain Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 502 at Page 137 of the Public Records of Escambia County, Florida.
2. Easement in favor of Gulf Power Company as recorded in Deed Book 519 at Page 292 of the Public Records of Escambia County, Florida.

**Tracts 121, 122, 123, 124, 126, 127, 128 and 129**

1. Subject to terms, provisions, conditions, easements, restrictions and rights of assessments created by and set forth in that certain Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 506 at Page 536 of the Public Records of Escambia County, Florida.
2. Easement in favor of Gulf Power Company as recorded in Deed Book 519 at Page 292 of the Public Records of Escambia County, Florida.

**Tracts 134 and 136**

1. Restrictive covenants, conditions and easements as contained in instrument recorded in Deed Book 515 at Page 460, together with all amendments thereto, of the Public Records of Escambia County, Florida.
2. Easement in favor of Gulf Power Company as recorded in Deed Book 519 at Page 292 of the Public Records of Escambia County, Florida.